

Closed Caption Log, Council Meeting, 01/31/02

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MAYOR GARCIA: ERIC BABYAK.

GOOD AFTERNOON, MEKSZ OF THE CITY COUNCIL, MY NAME IS ERIC BABYAK, I REPRESENT THE PYSO, THAT STANDS FOR THE PREMIER YOUTH SOCCER ORGANIZATION, OUR ORGANIZATION IS PRIMARILY CONCERNED WITH PROMOTING YOUTH SOCCER ACROSS THE UNITED STATES. THROUGH INTERNET BASED SERVICES, SUCH AS INTERNET IF YOU ARE, SERVICES, FIELD SCHEDULING, RESERVATION, WEB HOSTING, ONLINE REGISTRATION AND ONLINE COACHES TRAINING. THE ONE THING I WANTED TO COMMUNICATE AND RAISE AWARENESS ABOUT TODAY WAS THE PROBLEM OF SOCCER FACILITIES SHORTAGES IN THE AUSTIN AREA. I ALSO WANTED TO RAISE AWARENESS OF THE FACT THAT THE SORT OF SOCCER IS THE MOST PLAYED YOUTH SPORT IN THE AUSTIN AREA AS WELL. IT'S PLAY ODD A RATIO OF 3 TO 1 OVER EVERY OTHER YOUTH SPORT. IT IS ALSO PLAYED MORE THAN ALL OTHER SPORTS COMBINED. THEREFORE, YOU WOULD THINK THAT WE WOULD HAVE THE FACILITIES, AT LEAST IN A RATIO, WITH OTHER SPORTS, TO FACILITATE THE PLAYING OF THIS SPORT SINCE IT'S IN SUCH DEMAND. HOWEVER,

FROM THE PROPOSAL THAT I HAVE SUBMITTED TO YOU, YOU CAN CLEARLY SEE THAT THE INVERSE IS TRUE. THAT'S WHAT I AM HERE TO ADDRESS. WE HAVE A PROPOSAL INTO THE PARKS DEPARTMENT TO -- TO CONSTRUCT A SOCCER COMPLEX AT YETT CREEK IN NORTH AUSTIN. THERE ARE A FEW ISSUES THAT WE HAVE ADDRESSED IN THE PROPOSAL THAT I WANT YOU TO BE AWARE OF, WHICH ARE NEIGHBORHOOD ASSOCIATION ISSUES, ENVIRONMENTAL ISSUES, AND -- AND JUST BASICALLY CONSTRUCTION ISSUES RELATED TO THE CITY. WHAT WE ARE LOOKING FOR THE CITY COUNCIL TO DO IS APPROVE THE PROPOSAL WHEN IT COMES ACROSS THE DESK QUICKLY AS POSSIBLE, FOR THE FACT THAT WE ARE UNDER A TIME CRUNCH TO GET -- TO GET FUNDING APPROVAL FROM THE NATIONAL FOUNDATION, WE HAVE TO HAVE SECURE LAND IN A CERTAIN TIME FRAME TO GET IT FOR THIS ANNUAL YEAR BUDGET. SO THEREFORE IT WOULD BE BENEFICIAL FOR OUR ORGANIZATION TO -- TO GET SOME TYPE OF APPROVAL FROM THE CITY COUNCIL TO MOVE FORWARD WITH CONSTRUCTION OF A SOCCER COMPLEX ON THE YETT CREEK PARKLAND. ONCE THE LAND FACILITIES COMMISSION HAS FINISHED THEIR REVIEW AND THEIR RECOMMENDATION. I WOULD LIKE TO OPEN THE FLOOR UP TO QUESTIONS, IF YOU HAVE, ANY RELATED TO THE PROPOSAL AND MOVE FORWARD FROM THERE.

QUESTIONS FOR MR. ERIC BABYAK? THANK YOU VERY MUCH, SIR.

THANK YOU.

SHIRLEY RODRIGUEZ, FOLLOWING MS.
RODRIGUEZ PAMELA JOHNSON.

GOOD AFTERNOON, MY NAME IS SHIRLEY RODRIGUEZ, I AM A RECOVERING ADDICT AND ALCOHOLIC. I'M HERE TO SPEAK ON BEHALF OF THE PUSH-UP DOWN NATION, JUST BASICALLY SHARE WHAT THE PROGRAM HAS DONE FOR ME. AND IN MY LIFE TODAY. AND THE FIRST THING IS THAT IN 1998 I GAVE BIRTH TO A CRACK COCAINE ADDICTED BABY GIRL. AND I REALIZED THAT AT THAT TIME THAT I HAD HIT MY BOTTOM AND ALSO THAT -- THAT, YOU KNOW, I NEEDED HELP. AND I WAS AWARE THAT THERE WEREN'T VERY MANY PLACES HERE IN AUSTIN THAT PROVIDED HELP FOR ADDICTS. AND I HAD HEARD ABOUT THE PUSH-UP FOUNDATION AND HEARD THAT THEY HELPED PEOPLE GET THEIR LIVES BACK TOGETHER. AND SO, YOU KNOW, I WENT THROUGH THIS PROGRAM AND SINCE THEN, YOU KNOW, NOTHING ABOUT GOOD THINGS HAVE BEEN FOLLOWING SINCE I MADE THE DECISION TO CHANGE MY LIFE. BASICALLY, THE PROGRAM HAS TAUGHT ME TO BE A RESPONSIBLE INDIVIDUAL IN SOCIETY TODAY. AND -- YOU KNOW, ALSO BE A HEALTHY MEMBER OF -- YOU KNOW, OF THE COMMUNITY. AND -- AND TODAY I AM THE PROGRAM ASSISTANT OF PUSH-UP FOUNDATIONS AND I AM HERE AS WITNESS THAT THE PROGRAM DOES WORK AND IT IS HELPING INDIVIDUALS TODAY. YOU KNOW, AND FAMILIES AS WELL. AND, YOU KNOW, I JUST WANT TO THANK, YOU KNOW, MY HIGHER POWER WHOM I CHOOSE TO CALL GOD AND ALSO THE FUNDING SOURCES THAT ARE AVAILABLE TO PROGRAMS LIKE THIS AND TO PEOPLE THAT ARE DEDICATED TO HELPING INDIVIDUALS SUCH AS MYSELF. AND, YOU KNOW, I UNDERSTAND THAT THERE ARE A SHORTAGE OF FUNDING, YOU KNOW, IN THE CITY OF AUSTIN. AND ALSO THAT -- THAT SEVERAL AGENCIES WILL SUFFER BECAUSE OF THIS AND I'M HERE TO LET YOU KNOW THAT -- YOU KNOW, THAT I REALLY BELIEVE THAT THIS PROGRAM IS IMPORTANT TO THE COMMUNITY OF EAST AUSTIN, ESPECIALLY.

THAT'S WHERE WE ARE LOCATED. AND WE PROVIDE SERVICES FOR HOMELESS INDIVIDUALS AND FAMILIES WITH A HISTORY OF DRUG ADDICTION. WILL WE PROVIDE JOB TRACH SKILLS, CASE MANAGEMENT, SUPPORTIVE OUTPATIENT SERVICES FOR THE DRUG AND ALCOHOL ABUSE. AND I WOULD JUST LIKE TO THANK YOU FOR YOUR TIME. THANK YOU.

THANK YOU. THANK YOU, MS. RODRIGUEZ. PAMELA JOHNSON AND FOLLOWING MS. JOHNSON DEXTER ALLEN.

GOOD AFTERNOON, MY NAME IS PAMELA JOHNSON. AND I AM A RECOVERING ADDICT AND EX-OFFENDER. BECAUSE OF THE FACILITIES LIKE THE PUSH-UP FOUNDATION, I AM ABLE TO STAND BEFORE YOU TODAY AND ACTUALLY LIVE AGAIN. I AM ABLE TO RAISE MY SONS AND TELL THEM ABOUT THE HOPELESSNESS OF DRUG, ALCOHOL AND CRIMINAL ACTIVITY. THE PUSH-UP FOUNDATION TAKES CLIENTS THAT LITERALLY HAVE NOTHING AND OFFERS THEM A CHANCE TO BUILD THEIR HOPES AND DREAMS. THE FACILITY ALLOWS CLIENTS TO COME IN, THEY GIVE THEM SHELTER, FOOD, AS WELL AS SUBTANS THAT THEY NEED. WHILE IT -- SUBSTANCE THAT THEY NEED, WHILE IT EYE ALLOWS THEM TO GROW IN THEIR FAITH, GAIN STABILITY IN SOBRIETY AND ALSO FEEL GOOD ABOUT THEMSELVES. I WOULD ALSO LIKE TO POINT OUT THAT THE PUSH-UP FOUNDATION IS ONE OF THE FEW FACILITIES THAT ALLOWS WOMEN TO BRING THEIR SMALL INFANT AND CHILDREN INTO THE FACILITY WITH THEM WHILE THEY ARE TRYING TO GET ON THE RIGHT TRACK. TODAY I WOULD CALL IT SELF-ESTEEM, BUT ADDICTS SUCH AS MYSELF AND THOSE COMING INTO THE FACILITY KNOW NOTHING ABOUT SELF WORTH. THE PUSH-UP FOUNDATION GIVES US THIS. THE FACILITY WOULD GLADLY LIKE TO THANK THE CITY OF

AUSTIN FOR FUNDING US. HOWEVER WE HAVE COME A LONG WAY AND WE STILL HAVE STRUGGLES TO MAINTAIN. BUT THROUGH GOD'S GRACE, THE DOORS OF PUSH-UP REMAIN OPEN TO THOSE WHO HAVE SUBSTANCE ABUSE PROBLEMS. THANKS YOU.

THANK YOU VERY MUCH, MS. JOHNSON. MR. DEXTER ALLEN. AND FOLLOWING MR. ALLEN IS -- IS EMZY HEBERT, WELCOME, SIR.

GOOD AFTERNOON. I WOULD LIKE TO SPEAK ON BEHALF OF THE PUSHUP FOUNDATION. ABOUT THIS TIME NEXT MONTH, MEN AND WOMEN THAT RECEIVE DRUG TREATMENT AT THE PUSH-UP FOUNDATION PROGRAM WILL HAVE HELPED THEMSELVES. WHEN I CAME INTO THE PUSH-UP FOUNDATION AS AN OUTPATIENT, I WAS A DESPERATE PERSON. I HAD A SOUL SICKNESS. I WAS SICK OF THE WAY THAT I WAS LIVING AND I ALSO WAS ANXIOUS ABOUT SEEKING RECOVERY. WHICH THE PUSH-UP FOUNDATION PROVIDED. SHOULD I EVER FORGET THE CONDITION THAT I WAS IN. IN THIS NEW YEAR I WILL LIVE ONE DAY AT A TIME. I WILL MAKE ONE DAY PREPARATION FOR THE BETTER THINGS AHEAD. I WILL NOT DWELL ON THE PAST, OR THE PRESENT OR THE FUTURE. I WILL BURY ALL THESE FEARS AND GO FORWARD INTO THIS DAY AND INTO A NEW LIFE. THE PUSHUP FOUNDATION HAS GIVEN ME THIS NEW LIFE. THE PROGRAM HAS TAUGHT ME THAT THERE IS MORE TO LIFE THAN DRUGS AND ALCOHOL. THAT BEING SOBER IS THE MOST IMPORTANT THING THAT I HAVE -- MOST IMPORTANT DECISION THAT I HAVE MADE IN MY LIFE. EVERYTHING THAT I HAVE MY WHOLE LIFE DEPENDS ON THAT ONE THING, NOT TAKING THAT FIRST DRUG OR ALCOHOL. THE PUSH UP FOUNDATION TREATMENT PROGRAM IS A PROGRAM THAT WORKS. IT IS VITAL. THE PROGRAM HAS TOOKEN [SIC] ME, A HARD CORE

CHRONIC, ALCOHOL AND DRUG ABUSER AND HAS TURNED ME INTO A PATIENT, RESPONSIBLE AND THANKFUL CLIENT. TODAY I AM THE CASE MANAGER, COUNSELOR INTERN OF THE MEN'S PROGRAM AT THE PUSH-UP FOUNDATION. I AM WITHIN 4,000 HOURS OF TAKING THE STATE OF TEXAS LICENSED DEPENDENCY COUNSELORS EXAM. IN CLOSING I WOULD LIKE TO SAY THE PUSH UP FOUNDATION IS VITAL TO THE COMMUNITY THAT IT SERVES. THESE SERVICES WOULD NOT BE AVAILABLE WITHOUT THE FUNDING FROM THE CITY OF AUSTIN. I THANK YOU GUYS FOR THIS OPPORTUNITY. THANK YOU.

THANK YOU VERY MUCH, MR. ALLEN. MR. HEBERT. IF I DIDN'T PRONOUNCE YOUR NAME CORRECTLY, IF YOU COULD CORRECT ME, SIR, I WOULD APPRECIATE IT. MR. EMZY HEBERT, IS HE HERE? MS. STACY DUKES-RHONE? WELCOME.

GOOD AFTERNOON, COUNCIL. I'VE COME HERE TODAY AND I DON'T COME BEFORE COUNCIL VERY OFTEN, IF AT ALL, ABOUT A NUMBER OF ISSUES, BUT THERE HAVE BEEN AN ISSUE THAT HAS BEEN VERY NEAR AND DEAR TO ME THAT I FELT THAT I MUST ADDRESS HERE AND ADDRESS IT FORMALLY. I DO HAVE TO SAY FIRST THAT I DO APPRECIATE THE COUNCIL MEMBERS WHO HAVE BEEN SYMPATHETIC TO THE ISSUES THAT I AM GOING TO DEAL WITH AT THIS POINT. HOWEVER, I AM GRAVELY CONCERNED AND I'M ASKING THE COUNCIL FOR ITS SUPPORT IN -- IN DEALING WITH THE DISCRIMINATION ISSUES THAT HAVE CONTINUED TO TAKE PLACE WITH THE AUSTIN FIRE DEPARTMENT. AND RECENTLY AS THE AFRICAN AMERICAN AND THE HISPANIC FIREFIGHTERS HAVE ADDRESSED THEIR CONCERNS, AS FIREFIGHTERS, WE HAVE EXPERIENCED CONCERNS THROUGH YOUR APPLICATION PROCESS AND YOUR CADET TRAINING. IN THE PAST, WHEN WE HAVE SPOKEN

WITH COUNCILMEMBERS AND THOSE WHO HAVE BEEN VERY SYMPATHETIC TO -- TO THE SITUATION, THEY HAVE BEEN LOCKED OR HAVE - - OR HAVE BEEN STOPPED BY MOVING ANY FURTHER, ANY ACTIONS THAT THEY COULD TAKE, BECAUSE OF THE MEET AND CONFER PROCESS. HOWEVER, AT THIS TIME I THINK THAT THERE ARE SOME ISSUES THAT SHOULD BE ADDRESSED THAT ARE OUTSIDE OF MEET AND CONFER THAT THE COUNCIL SHOULD REALLY CONSIDER LOOKING INTO. WHAT I AM ASKING AND WHAT MANY OTHERS ARE ASKING IS THAT THE COUNCIL WOULD TAKE SOME TIME TO -- TO MAYBE DIRECT THE CITY MANAGER OR ASSISTANT CITY MANAGER IN GETTING AN OUTSIDE PARTY TO COME IN AND DO AN EVALUATION. AT THIS POINT, I UNDERSTAND THAT THE DEPARTMENT HAS OR THE CITY HAS GIVEN THE FIRE DEPARTMENT MORE FUNDING TO GET AN OUTSIDE EVALUATING CONSULTANT TO COME IN AND LOOK AT THEIR TRAINING PROCESSES. HOWEVER, THERE ARE TWO CRITICAL CONCERNS THAT MAY BE OF CRIMINAL IMPLICATIONS THAT AT THIS POINT I THINK THE COUNCIL SHOULD TAKE IT UPON THEMSELVES. ONE, THE COUNCIL IS -- IS VERY MUCH AWARE OF OR AT LEAST SHOULD BE AWARE OF BECAUSE I KNOW THAT YOUR ASSISTANT CITY MANAGER IS VERY FAMILIAR WITH THE FACT THAT -- THAT AN APPLICATION THAT WAS SUBMITTED TO THE DEPARTMENT RECEIVED A NUMBER OF DEROGATORY STATEMENTS. AND WHEN THE ASSISTANT CITY MANAGER WAS INFORMED OF THIS INCIDENT AND ASKED IF OUR -- THE FIRE DEPARTMENT FOR A COPY OF THAT APPLICATION, THE APPLICATION WAS REDACTED. IT WAS GIVEN TO THE ASSISTANT CITY MANAGER, WHO WAS NOT AWARE THAT THESE THINGS HAD TAKEN PLACE. WHEN SHE WAS GIVEN A COPY OF THE ORIGINAL APPLICATION, AND IT WAS -- AND IT WAS EVIDENT THAT, YES, DEROGATORY STATEMENTS HAD BEEN MADE AND THE CITY

ATTORNEY VERIFIED THAT, NO REPRIMAND OR NO ACTION WAS TAKEN AGAINST THE FIRE DEPARTMENT OR ANYONE IN THAT DEPARTMENT FOR WHAT THEY HAD DONE. THAT MAY BE OF A CRIMINAL IMPLICATION IF SOMEONE ACTUALLY FILED A LAWSUIT. IN ADDITION, RECENTLY, AFTER THE AFRICAN AMERICAN FIREFIGHTERS HAD THEIR PRESS CONFERENCE, A WHITE CAPTAIN IN THE FIRE DEPARTMENT PULLED A NAIF ON A BLACK CAPTAIN IN THE DEPARTMENT. -- PULLED A KNIFE ON A BLACK CAPTAIN. THE DEPARTMENT AT THIS POINT -- [BUZZER SOUNDING]

MAYOR GARCIA: IF YOU COULD SUMMARIZE, PLEASE.

QUICKLY, THE DEPARTMENT AT THAT POINT DID AN INTERNAL INVESTIGATION AND OF COURSE NO FINDINGS WERE MADE. HOWEVER, THE WHITE CAPTAIN WAS PUT ON LEAVE FOR A DAY. THESE THINGS ARE CONTINUING TO HAPPEN IN THE DEPARTMENT AND I REALLY BELIEVE AT THIS POINT AN OUTSIDE EVALUATOR, NOT SELECTED BY THE DEPARTMENT, SHOULD JUST LOOKING -- START LOOKING AT SOME OF THESE ACTIVITIES. EVERY DAY THE FIREFIGHTERS OF MINORITY DESCENT BECOME MORE AND MORE AFRAID TO TALK AND MORE AND MORE AFRAID TO EXPRESS THEMSELVES. AT THIS POINT, I WISH THAT THE COUNCIL WOULD TAKE AN OPPORTUNITY TO LOOK AT THESE THINGS FURTHER. THANK YOU.

MAYOR GARCIA: THANK YOU, MS. DUKES-RHONE. MR. GUS PENA, FOLLOWING MR. PENA JENNIFER GALE.

GOOD AFTERNOON, GUS MEAN IN.....HAVE BEEN LISTENING TO ME ON THE NEED FOR TRANSITIONAL HOUSING FOR HOMELESS

FAMILIES. WE JUST ENCOUNTERED A SITUATION WHEREBY A MOM PASSED AWAY WHO WAS LIVING WITH HER --

MAYOR GARCIA: I'M GOING TO GIVE YOU YOUR 3 MINUTE BACK, BUT COUNCILMEMBER THOMAS WANTED TO MAKE A COMMENT WITH REGARD TO THE LAST SPEAKER'S COMMENT. SO IF YOU WOULD ALLOW HIM THAT PRIVILEGE.

SURE, WILL DO.

MAYOR GARCIA: PUT 3 MINUTE BACK.

THOMAS: THANK YOU, MR. PENA. JUST NEEDED TO ASK A FOLLOW-UP QUESTION ON SOME OF THE ALLEGATIONS THAT WERE JUST BROUGHT UP. AND THE CITY MANAGER COULD BRIEF ME WITHOUT VIOLATING THE CHARTER, BUT LETTING ME KNOW WHAT WAS GOING ON IN THAT SITUATION.

GARZA: YES, I WILL BE ABLE TO BRIEF YOU. YOU CERTAINLY HAVE THAT KIND OF INFORMATION THAT CAN BE ACCESSIBLE TO YOU. IT THE ISSUE OF DIRECTION, BUT WE WILL BE HAPPY TO BRIEF YOU, COUNCILMEMBER, AND THEN VISIT WITH HOW WE MIGHT BE ABLE TO ADDRESS THESE ISSUES.

THOMAS: THANK YOU.

MAYOR GARCIA: OKAY, MR. PENA, I'M SORRY THAT I INTERRUPTED YOU, YOU GOT YOUR 3 MINUTE BACK SHOULD THAT'S ALL RIGHT, MR. MAYOR, I'M USED TO IT ALREADY, NO PROBLEM. [LAUGHTER]. I WAS DOING PRETTY GOOD. NOW I CAN'T REMEMBER WHAT I WAS GOING TO SAY. [

LAUGHTER]. FORGET IT, JESUS, YOU HAVE YOUR
THANK YOU HERE AT LCRA [LAUGHTER].
ANYWAY, -- ANYWAY, A SAD NOTE AND I JUST
WANT YOU ALL TO REMEMBER THIS, WE HAVE
BEEN PUSHING FOR TRANSITIONAL HOUSING
FOR HOMELESS FAMILIES. WE HAVE PERSONAL
KNOWLEDGE OF A MOM WHO PASSED AWAY
LIVING WITH HER FAMILY AT A MOTEL AND FOUR
KIDS ARE LEFT MOTHERLESS WITHOUT A MOM.
OF COURSE THE DAD STILL IN THIS WORLD, BUT
IT'S VERY DETRIMENTAL AND NEGATIVE WHEN
YOU DON'T HAVE YOUR MOM. WE SAY IN THE
LATINO COMMUNITY THAT MOM IS NUMBER ONE,
MOST IMPORTANT PARENT IN THE FAMILY, AS
DAD IS, BUT NOT AS IMPORTANT AS MOM.
ANYWAY THE NEED FOR TRANSITIONAL HOUSING
IS OUT THERE. WE STILL ARE ENCOUNTERING
PROBLEMS OR SEEING PEOPLE ENCOUNTERING
PROBLEMS WITH THE HEALTH CLINIC'S
ELIGIBILITY OFFICE. PEOPLE BEING TURNED
AWAY, EVEN THOUGH THEY ARE QUALIFIED FOR
HEALTH CLINIC SERVICES, CLINIC ET CETERA,
ARE BEING TOLD THAT THEY DO NOT QUALIFY.
AGAIN, THE SENIOR CITIZENS, CHILDREN, HAVE
NOTS AND UNINSURED ARE BEING HARMED BY A
BROKEN SYSTEM THAT IS NOT CONSISTENT IN
THE CITY'S HEALTH POLICIES AND PROCEDURES
AND ERRONEOUS INTERPRETATION OF SAME. MR.
CITY MANAGER, MR. MAYOR, I WOULD ASK THAT
YOU ALL LOOK INTO THESE ISSUES BECAUSE IT
DOES HARM PEOPLE IN RECEIVING PREVENTIVE
HEALTH CARE AND MAINTENANCE CRITICAL IN
KEEPING ALIVE IN OUR COMMUNITY, IN ALL
COMMUNITIES, ALSO. MR. MAYOR I'M GOING TO
SAY THIS DIRECTLY TO YOU, I SAW YOU ON
TELEVISION I BELIEVE IT WAS THE STATE OF THE
CITY, I GUESS IT WAS THE LEAGUE OF WOMEN
VOTER, ONE OF THESE THINGS, YOU SAID
THINGS ARE LOOKING BETTER NOW. BUT YOU
HAVE TO UNDERSTAND, I HAVE A LIST OF OUR
SENIOR CITIZENS HERE WITH ME, OUR YOUTH,
ARE SAYING -- IT CAME OUT ON FOX 7, SAYING

THAT THE ECONOMY IS LOOKING BETTER. WELL, WE STILL HAVE PEOPLE UNEMPLOYED. WE STILL HAVE PEOPLE UNDEREMPLOYED, UNINSURED AND BARELY MAKING THE GRADE OUT THERE. SO IT DOESN'T LOOK ROSY FOR THEM OUT THERE IN THE COMMUNITIES, NORTH, SOUTH, EAST AND WEST. SO WHEN WE SAY, MAKE THESE STATEMENTS AT FUNCTIONS, WE NEED TO BE VERY CAREFUL AND THAT IF WE ARE GOING TO BE INCLUSIVE, LET IT BE A TRUE STATEMENT OF EVERYBODY, NOT JUST SOME. I WOULD LIKE TO THANK COUNCILMEMBER DANNY THOMAS, COUNCILMEMBER WILL WYNN AND MAYOR PRO TEM JACKIE GOODMAN FOR HAVING THE VISION OF HELPING NOT ONLY THE HOMELESS, BUT SPECIFICALLY BEING SENSITIVE TOWARD THE ISSUE OF HELPING FAMILIES WHO ARE HOMELESS. I WILL LEAVE IT AT THAT. I WANT TO THANK YOU ALL VERY MUCH FOR THE KIND HEARTS THAT YOU ALL HAVE. WE IN THE COMMUNITY APPRECIATE THAT VERY MUCH. TOO MUCH VIOLENCE IN AISD IS SOMETHING THAT I WON'T BE ABLE TO TESTIFY AT YOUR EDUCATION COMMITTEE. I AM ON THE DROPOUT TASK FORCE. CHILDREN HAVE BEEN ASSAULTED TOO MANY TIMES. THE DISTRICT DOESN'T TAKE AGGRESSIVE ENOUGH ACTION TOWARDS THE OFFENDER, THAT MIGHT BE ONE THING THAT YOU LOOK AT MR. MAYOR ON YOUR COMMITTEE. THE REASON WHY SOME CHILDREN DON'T WANT TO SUSTAINED SCHOOL ANYMORE, BULLYING, ALL OF THAT STUFF, ANYWAY, THANK YOU ALL VERY MUCH FOR THE TIME, MR. MAYOR, KEEP UP THE GOOD WORK, MR. MAYOR, YOU ARE DOING GOOD. Y'ALL HAVE A GOOD DAY.

MAYOR GARCIA: LET ME SAY, MR. PENA, THAT THE REPORT THAT THE LEAGUE OF WOMEN VOTERS TO THE STATE OF THE CITY, HAD A MUCH LARGER SECTION OF THE BAD NEWS ON THE ECONOMY THAN ON THE GOOD NEWS. SOMETIMES THE PRESS PICKS UP ONLY ONE

PART.

IF YOU COULD PROVIDE US THAT WHOLE REPORT, WE WILL DO A PRESENTATION TO OUR OTHER ORGANIZATIONS, THANK YOU, SIR.

SURE. MS. GALE AND FOLLOWING MS. GALE MR. AKWASI EVANS.

MAYOR GUS GARCIA,, COUNCILMEMBERS, I'M HERE TO ANNOUNCE THAT THE AN DATE FOR THE UNITED STATES HOUSE OF REPRESENTATIVES FOR THE 10TH CONGRESSIONAL DISTRICT. I SUBMITTED MY PETITION WITH NEARLY 850 SIGNATURES OF EASTERN TRAVIS COUNTY? A. , OF WHO 558 WERE VALID. I THANK THOSE WHO SIGNED MY PETITION AND LISTENED TO MY PLATFORM. YOU EVER GIVEN PEOPLE THE CHOICE THEY HAVE NOT HAD SINCE 1994 A GREAT MANY YEARS AGO. ON MARCH 12TH, 2002, 40 DAYS FROM NOW I'M ASKING MY FELLOW DEMOCRATS, LIBERTARIANS, REPUBLICANS GREEN AND REFORM PARTY VOTERS AND ALL HISTORICALLY DISEND FRANCHISED TO VOTE IN THE DEMOCRATIC PRIMARY FOR THE UNITED STATES CONGRESS. YOU WILL HELP JENNIFER GALE BY WRITING TO JENNIFER GALE GENERAL DELIVERY, AUSTIN, TEXAS 78767. NEXT WEEK I WILL ANNOUNCE THAT I AM RUNNING FOR PLACE 1 AUSTIN CITY COUNCIL, I'M A FORMER UNITED STATES MARINE AND I WENT TO THE UNIVERSITY OF WISCONSIN. I HAVE LIVED IN HOUSTON, HUNTSVILLE AND DALLAS AND MY NUMBER ONE PRIORITY IS TO ENSURE THAT ALL AMERICANS, EVERYONE, RECEIVE THE FINEST MEDICAL CARE POSSIBLE REGARDLESS OF WHAT MAKES YOU ILL. THIS IS A DEMOCRATIC PRIORITY, A HEALTH CARE SYSTEM WHERE RESEARCH ALSO CATERS TO WOMEN. I PROPOSE THAT WE BUILD A VETERANS HOSPITAL FOR A MEMBER OF OUR ARMED FORCES AND ASK THE STATE OF TEXAS

TO BUILD A UNIVERSITY OF TEXAS MEDICAL BRANCH SO WE CAN PUT THE TWO TOGETHER, COMBINED, SO WE GET STATE-OF-THE-ART MEDICAL CARE FOR THE PEOPLE LIVING RIGHT HERE IN AUSTIN, AS WELL AS MAKE IT AVAILABLE FOR TRAINING OUR NURSES AND DOCTORS SO THAT WE CAN FULLY AND ADEQUATELY STAFF OUR HOSPITALS. THIS MEDICAL CARE WILL BE PROACTIVE, SO ONE DOESN'T HAVE TO DIE TO BE SEEN BY A PHYSICIAN, REMEMBER HOUSE CALLS? WE MUST REDUCE THE NEED FOR NURSING HOMES? WE MUST ONCE AGAIN CARE FOR THOSE WHOSE MENTAL OR PHYSICAL HEALTH IS IMPAIRED. WE HAVE SEEN TOO MANY DEAD HOMELESS, LET'S GIVE THEM THEIR DIGNITY BACK. OUR NATIONAL SECURITY IS THREATENED WHEN WE ALLOW OUR AIRPLANES TO BE FLOWN INTO BUILDINGS. THIS IS THE RESPONSIBILITY OF CONGRESSMAN LOIGHTD. WE NEED TO MAKE SURE -- LLOYD DOGGETT. WE NEED TO MAKE SURE OUR AIRPORTS REMAIN SURE TO BRING THE ECONOMY BACK OFF THE GROUND. WHERE WAS LLOYD DOGGETT. THE QUESTION MUST BE WHERE WAS OUR CONGRESSMAN WHEN THE MEMBERS OF THE AUSTIN CITY COUNCIL VIOLATED THEIR CONSTITUTIONAL OATH OF OFFICE BY INCARCERATING AND HARASSING THE POWERLESS HOMELESS, WHERE WAS OUR POWERFUL CONGRESSMAN. WE NEED TO PROMOTE THE IDEA THAT ALL AMERICAN CHILDREN SHOULD BE EDUCATED TO THE POINT THAT THE COLLEGE ACCEPT THEM AND THEY HAVE A COMPLETE UNDERSTANDING OF LAW, PHYSICS, CALCULUS, NO MORE EXCUSES, WE NEED A DEEPER CONCERN FOR THE ENVIRONMENT, APPROVE AND MAINTAIN QUARTER QUALITY, AND OUR NATIONAL PARKS AS WELL. WE NEED TO REDUCE THE FEDERAL TAX CUT TO MAINTAIN THE NEEDS OF THOSE AFFECTED MOST, WE ALSO NEED AS A NATION, NEED TO RECOGNIZE RELATIONSHIPS [BUZZER

SOUNDING] I WOULD LIKE TO ASK AN
ADDITIONAL MINUTE TO -- TO DISCUSS SINGLE
MEMBER DISTRICTS.

MAYOR GARCIA: THERE'S GOING TO BE A PUBLIC
HEARING ON THAT LATER ON.

OKAY, I WILL SEE YOU IN THREE HOURS, THANK
YOU.

MAYOR GARCIA: THANK YOU VERY MUCH.

MR. AKWASI EVANS. AND IS MR. EMZY HEBERT
HERE? I CALLED HIM EARLIER, HE HAVE NOT IN
THE ROOM, MR. EVANS, WELCOME, SIR.

THANK YOU, MR. MAYOR. MAYOR,
COUNCILMEMBERS, MR. CITY MANAGER GARZA,
STAFF MEMBERS, MY NAME IS AKWASI EVANS, I
AM THE PUBLISHER AND OWNER OF NICOA
NEWSPAPER HERE IN AUSTIN AND THE LOCAL, AS
ONE FRIENDLY MAN SAID, SELF ANOINTED
SPOKESMAN FOR THE ISSUE OF REP
OPERATIONS, -- REPARATIONS, I MAY BE SELF
APPEAR POINT INKED BUT NOT THE ONLY ONE
WHO DESERVED THEM. I AM HERE TO TALK
BECAUSE THERE IS GOING TO BE A NATIONAL
MARCH ON AUGUST THE 17TH IN WASHINGTON
D.C. TO DISCUSS THIS CRUCIAL ISSUE OF
REPARATIONS. THE -- EACH TIME THAT I HAVE
BROUGHT THIS SUBJECT UP I HAVE BEEN MET
WITH PILOT SILENCE AND UNDERSTANDABLY
BECAUSE I THINK THERE WAS SOME
MISUNDERSTANDING, I WANT TO CLARIFY ABOUT
REPARATIONS WHAT IT MEANS. REPARATIONS IS
NOT JUST ABOUT PAYING AFRICAN AMERICANS
FOR THE HORRIBLE, UNCONSTITUTIONAL,
IMMORAL, UNJUST INSTITUTION OF SLAVERY.
IT'S NOT ABOUT GOING TO A -- TO A FREE LAND

AND KIDNAPPING PEOPLE AND FORCING THEM TO LABOR FOR NO)[WAGES AND THEN FORCING THEIR CHILDREN TO BE BORN INTO SLAVERY. IT NOT ABOUT JUST THAT 250 YEARS OF ENSLAVEMENT, IT'S ABOUT THE SUBSEQUENT 150 YEARS OF DEGRADATION, DISCRIMINATION, BY SOCIETY AFTER THE END OF SLAVERY. AS ALL OF YOU KNOW RIGHT HERE IN AUSTIN, TEXAS, IN THE 20TH CENTURY, AFTER WE HAD AFFIRMED THAT -- THAT ALL MEN WERE CREATED EQUAL, WITH GUARANTEED RIGHTS TO LIGHTS -- RIGHTS TO LIFE, LIBERTY AND PURSUIT OF HAPPINESS, THE AUSTIN CITY COUNCIL DECIDED TO DENY THOSE RIGHTS TO PEOPLE WHOSE SKIN WAS BLACK. THE CITY COUNCIL DECIDED TO DENY ACCESS TO CITY SERVICES TO PEOPLE UNLESS THEY WERE RESTRICTED TO A PARTICULAR RESERVATION WHERE THEY COULD LIVE, OTHERWISE THEY WOULD NOT BE ALLOWED TO HAVE SERVICES. THE CITY COUNCILS FROM THEN ON, THE CITY GOVERNMENTS HAVE FROM THEN ON HAVE ALLOWED WHAT DR. KING CALLED THIS POCKET OF POVERTY TO EXIST IN THIS OCEAN OF PROSPERITY. AUSTIN IS A PROSPEROUS CITY. WE HAVE FINANCIAL CRISIS RIGHT NOW AND WE HAVE BILLS WE HAVE TO PAY. PAYING AFRICAN AMERICANS FOR BEING DENIED AND DENIGRATED FOR CENTURIES IS NOT SOMETHING THAT WE SHOULD OVERLOOK. I LISTENED TO THE PRESIDENT'S SPEECH ON TUESDAY NIGHT, AS HE ADDSED THE CONGRESS AND THE NATION. AND HE MENTIONED THE FACT THAT WE ARE SPENDING ONE BILLION DOLLARS A DAY IN AFGHANISTAN. AND WE ANTICIPATE SPENDING BILLIONS MORE TO REBUILD THAT COUNTRY AFTER WE COMPLETE BOMBING IT. EVERY COUNTRY THAT WE BOMBED AND DEVASTATED AND WON OVER, WE HAVE GONE BACK AND REPAIRED. WE HAVE MADE REPARATIONS. WHY DON'T WE CONSIDER THAT FOR THE PEOPLE WHO HAS NEVER ATTACKED US,

NEVER BOMBED US, NEVER DONE US HARM. WILL THIS CITY COUNCIL ADDRESS THE ISSUE OF REPARATIONS ANY TIME BETWEEN NOW AND AUGUST AND LET THE CITIZENS SPEAK ON THE NEED FOR FINDING SOME WAY TO PAY. [BUZZER SOUNDING]

THE PEOPLE WHO WERE VICTIMS OF 9-11, THE WORLD TRADE CENTER, PENNSYLVANIA, PENTAGON, ALL OF THOSE FAMILIES ARE EXEMPT FROM TAXES. THAT'S A DEVASTATING LOSS, BUT LOSING 30 TO 40 MILLION IN THE MIDDLE CLASSES IT'S EVEN MORE DEVASTATING. IF WE CAN PAY PEOPLE FOR LOSING --

MAYOR GARCIA: YOU NEED --

WHY CAN'T WE PAY PEOPLE FOR LOSING THEIR LIBERTY IN AUSTIN, TEXAS.

YOU ARE 40 SECOND OVER NOW.

THANK FOR YOU THE ADDITIONAL TIME, MAYOR.

MAYOR GARCIA: THANK YOU, SIR.

MAYOR GARCIA: THAT'S ALL OF THE SPEAKERS IN OUR GENERAL CITIZENS COMMUNICATION. AND NOW WE WILL GO ON TO THE REST OF THE AGENDA. FOR THOSE OF YOU THAT ARE HERE, ON A SPECIFIC ITEM THAT MAY BE COMING UP FOR -- FOR COUNCIL CONSIDERATION, OTHER THAN THE -- THE CONSENT AGENDA, I NEED TO ANNOUNCE TO YOU THAT WE WILL DO THE CONSENT AGENDA, AND THEN WE WILL TAKE SOME TIME TO DO TWO MORE EXECUTIVE SESSION ITEMS THAT -- THAT WE DIDN'T TAKE CARE OF DURING THE NOON HOUR AND THEN WE

WILL BE BACK TO CONTINUE THE MEETING. AT THIS TIME I WOULD LIKE TO ASK THE CITY MANAGER FOR A PREVIEW OF ITEMS FOR NEXT -- THE NEXT COUNCIL MEETING.

GARZA: NEXT WEEK WE WILL DO THE BRIEFING ON THE TAX ANTICIPATION [INAUDIBLE] THAT WAS POSTPONED LAST WEEK. AS YOU ANNOUNCED YESTERDAY, WE WILL HAVE THE ITEM FOR THE COUNCIL'S CONSIDERATION ON THE 14TH OF FEBRUARY.

YOU WILL HAVE IT IN THE WORK SESSION.

IN THE WORK SESSION FOR THERE TO BE A DISCUSSION BY THE COUNCIL THAT WE RAN OUT OF TIME THIS LAST WEEK.

FEBRUARY THE 6TH IS FOR A WORK SESSION. FEBRUARY THE 14TH FOR ACTION. GARZA YES, SIR.

MAYOR GARCIA: I RECOGNIZE COUNCILMEMBER WYNN FOR AN ITEM COMING OUT OF COUNCIL COMMITTEE, THE COUNCIL JUDICIAL COMMITTEE.

THANK YOU, MAYOR. YES, THE COUNCIL JUDICIAL COMMITTEE WILL BE FORWARDING A RECOMMENDATION OF TWO ADDITIONAL SUBSTITUTE JUDGES NEXT WEEK AS WELL AS OUR PROCESS THAT WE HAVE BEGUN ON THE EVALUATION OF JUDGES IN MUNICIPAL COURT.

ANYBODY ELSE? MAYOR PRO TEM?

GOODMAN:

YES, MAYOR, WE HAVE HAVE A RESOLUTION ON A FEE WAIVER FOR AMENDING THE FAIR VIEW NCCD.

COUNCILMEMBER WYNN?

WYNN: YES, ITEM NO. 66 TODAY ON THE ADDENDUM OF TODAY'S AGENDA WILL BE POSTPONED. IT'S AN ITEM FROM MYSELF. THERE WAS SOME PROBLEMS WITH MY POSTING LANGUAGE AND THE LEGAL DEPARTMENT IS HELPING ME FIX THAT. AND IT WILL LIKELY BE BACK ON THE AGENDA NEXT WEEK.

MAYOR GARCIA: OKAY, THAT'S THE ONE WITH THE DOWN TRAINING CAMP PROPOSAL?

WYNN: I'M SORRY, I WAS WRONG. LET'S SEE.

62, I APOLOGIZE. 62 WILL BE REPOSTED FOR NEXT WEEK.

MAYOR GARCIA: OKAY. LET ME SAY ON 62, I WILL HAVE TO ABSTAIN, I HAVE BEEN ADVISED BY THE CITY ATTORNEY THAT BECAUSE I WAS A SITTING INVENTORY TO THE ORGANIZATION -- SIGNATORY TO THE ORGANIZATION THAT DOING THE -- THAT I WILL NOT BE ABLE TO PARTICIPATE IN THE DISCUSSION OR VOTE ON THIS PARTICULAR ITEM.

ANYTHING ELSE?

GARZA: MAYOR, I FAILED TO MENTION THE REPORT FROM THE CHARTER REVISION COMMISSION I THINK WILL BE DELIVERED TO YOU NEXT WEEK AND I DON'T KNOW. WE MAY HAVE AN ITEM POSTED FOR YOUR

CONSIDERATION. WE COULD MOVE FROM THE 7TH TO THE 14TH OF FEBRUARY AFTER DISCUSSION, BUT THOSE RECOMMENDATIONS ARE IN SOME FORM OR FASHION HEADING THEIR WAY TO COUNCIL. THERE CERTAINLY WILL BE A BRIEFING NEXT WEEK IN TERMS OF --

MAYOR GARCIA: WE DO HAVE A PUBLIC HEARING TODAY.

GARZA: YES.

ALVAREZ: PREVIEW OF FUTURE ITEMS? I WANTED TO I GUESS REITERATE, I GUESS, MY INTEREST IN HAVING THAT EAST SEVENTH STREET CORRIDOR BRIEFING NEXT WEDNESDAY.

MAYOR GARCIA: NEXT WEDNESDAY, THAT'S ON.

ALVAREZ: THEN I WANTED TO, FOR THE FOLLOWING WEEK, REQUEST A BRIEFING THAT TO A CERTAIN DEGREE RELATES TO THE ACTIONS WE ARE CONSIDERING IN TERMS OF THE TAX ANTICIPATION NOTE. BECAUSE WE ARE GOING TO GET A BRIEFING NEXT WORK SESSION ABOUT THE PUBLIC SAFETY ORIENTED NEEDS THAT HAVE COME ABOUT SINCE 9-11, BUT THERE'S ALSO A GREAT NEED THAT HAS ARISEN IN TERMS OF SOCIAL SERVICES SINCE THAT TIME AS WELL. SO -- SO I HAVE BEEN INVOLVED WITH THE COMMUNITY ACTION NETWORK, ALONG WITH MAYOR PRO TEM GOODMAN. WE HAD A -- WE HAD A RETREAT, I THINK IT WAS A WEEK OR TWO AGO, TO START LOOKING AT THE ASSESSMENT OF ALL OF THE NEEDS SINCE SEPTEMBER 11TH. AND I MET THIS MORNING WITH MEMBERS OF THE C.A.N., BASIC NEEDS TASK FORCE, SO THEY ARE GOING TO BE FORWARDING AN ASSESSMENT IN TERMS OF

WHAT -- YOU KNOW, WHAT THEY ESTIMATE THE ADDITIONAL NEED IS IN TERMS OF BASIC NEEDS AND SOCIAL SERVICES, SO I WANTED TO REQUEST A BRIEFING FROM THAT BODY, COMMUNITY ACTION NETWORK AND REPRESENTATIVE OF THE BASIC NEEDS TASK FORCE FOR THE 13TH OF FEBRUARY. AND THAT WE ALSO -- WE ALSO DELAY ACTION ON THIS TAX ANTICIPATION NOTE UNTIL THE 14TH. WHICH IS THE FOLLOWING DAY. INSTEAD OF NEXT WEEK, SO THAT WE COULD -- YOU KNOW, LOOK AT THE PUBLIC SAFETY SIDE, LOOK AT THE HEALTH AND HUMAN SERVICE SIDE AND THEN CONSIDER WHAT WE ARE GOING TO DO IN TERMS OF --

MAYOR GARCIA: I THINK THAT'S THE SCHEDULE. THAT'S THE SCHEDULE THAT THE CITY MANAGER AND I -- WE ARE GOING TO HAVE A BRIEFING ON THE 14TH. CLOSE TO [INAUDIBLE].
COUNCILMEMBER SLUSHER?

SLUSHER: THIS MAY HAVE TO GET TO THE POINT WHERE WE ARE HAVING A WEDNESDAY BRIEFING, I WOULD LIKE FOR THE MANAGER TO REPORT TO THE COUNCIL FIRST IN WRITING, MAYBE LATER AT A BRIEFING ON THE ROAD REPAIRS WHERE WE HAVE STREET CUTS BECAUSE I UNDERSTAND THAT THERE'S LITTLE, IF ANYTHING, THAT THE COUNCIL CAN DO TO LIMIT OR STOP THE AMOUNT OF STREET CUTS THAT WE HAVE DURING -- BECAUSE OF STATE AND FEDERAL LAW. BUT I'M -- I HAVE NOTICED IT SEEMS LIKE LESS REPAIR WHERE THEY ARE NOT RESTORING THEM TO THE -- EVEN TO THE LEVEL THEY WERE BEFORE. IN PARTICULAR RIGHT NOW ALONG SOUTH FIRST STREET, BUT THERE ARE OTHERS. SO IF WE COULD GET A REPORT ON -- ON THAT, I WOULD REALLY APPRECIATE IT.

MAYOR GARCIA: OKAY. CITY MANAGER, I GUESS YOU NOTE THAT?

UH-HUH.

MAYOR GARCIA: OKAY. ANY OTHER ITEM FOR NEXT COUNCIL MEETINGS?

GRIFFITH: YES, MAYOR. MAYOR PRO TEM AND COUNCILMEMBER THOMAS AND I WILL HAVE AN ITEM ABOUT PHASE 2 OF THE WATERSHED PROTECTION PLAN.

MAYOR GARCIA: OKAY. DO YOU WANT THAT IN A BRIEFING OR DO YOU WANT THAT AS AN ACTION ITEM?

GRIFFITH: AN ACTION ITEM.

MAYOR GARCIA: SO THE 7TH OR THE 14TH.

GRIFFITH: THE 7TH.

MAYOR GARCIA: OKAY. ALL RIGHT. IS THAT IT? ALL RIGHT. MS. BROWN, THE READING OF THE CONSENT AGENDA? CLERK BROWN: WOULD YOU LIKE ME TO START WITH THE CHANGES AND CORRECTIONS?

MAYOR GARCIA: THAT'S RIGHT, I NEED TO GO TO THE CHANGES AND CORRECTIONS FIRST. GO AHEAD WITH CHANGES AND CORRECTIONS.

I WOULD BE GLAD TO DO THAT. ITEM NO. 22 HAS BEEN POSTPONED INDEFINITELY. ITEM 37 HAS BEEN POSTPONED TO FEBRUARY 7TH. AND AS

COUNCILMEMBER WYNN SAID, ITEM 62 --

MAYOR GARCIA: THAT'S 37 POSTPONED TO?
CLERK BROWN: FEBRUARY 7TH. AND ITEM 62
POSTPONED TO FEBRUARY 7TH.

GARZA: IT WILL BE REPOSTED WITH ONLY --
WITHOUT MAYOR GARCIA'S SPONSORSHIP.

CLERK BROWN: TIME CERTAIN, 1:30 CITIZENS
COMMUNICATION, 4:00 P.M. ZONING ITEMS,
5:30 LIVE MUSIC AND PROCLAMATIONS, 6:00
P.M. PUBLIC HEARINGS, ITEMS 63 THROUGH 65.
MOVING ON TO THE CONSENT AGENDA,
MAYOR, WE HAVE BEEN TOLD THAT ON 18 AND
19, THERE IS A -- A POSTPONEMENT REQUEST BY
THE APPLICANT TO JUNE 27TH.

MAYOR GARCIA: THAT'S CORRECT, IF THE
APPLICANT IS HERE -- ITEM NO. 18 AND 19,
ITEMS NO. 18 AND 19, THE REQUEST IS FOR
POSTPONEMENT UNTIL JUNE 27TH, IS THAT
CORRECT? WE WILL TAKE THAT AS CONSENT. ON
THE CONSENT AGENDA.

WE HAVE ALSO BEEN TOLD THERE IS A
POSSIBILITY THAT ITEM 20 WILL BE PULLED.

MAYOR GARCIA: ITEM 20 WILL HAVE TO BE
PULLED, YES.

SO ON THE CONSENT AGENDA WILL BE THE 18TH
AND 19TH -- ITEMS 18 AND 19, POSTPONED TO
JUNE 27TH, ITEM 21, 2 --

MAYOR GARCIA: 21 IS ALSO PULLED.

GARZA: UNTIL AFTER THE EXECUTIVE SESSION.

MAYOR GARCIA: UNTIL AFTER THE EXECUTIVE SESSION.

CLERK BROWN: THANK YOU. ITEM 22 WILL BE ON CONSENT. 23 --

MAYOR GARCIA: WAIT A SECOND.

GARZA: POSTPONED INDEFINITELY. I'M SORRY.

MAYOR GARCIA: CONSENT TO POSTPONE INDEFINITELY.

GARZA: CONSENT TO POSTPONE INDEFINITELY. I THINK 23 IS ON THE CONSENT AGENDA, HOWEVER.

CLERK BROWN: 23, ON A ROLL NOW.

GARZA: ONE FOR ONE.

CLERK BROWN: 23, 24, 25, 26, 27, 28, FOR SECOND READING, 29, --

MAYOR GARCIA: 29 I WILL BE ABSTAINING ON THIS ONE, ON THE ADVICE OF COUNCIL BECAUSE I -- BECAUSE I PARTICIPATED IN THIS PROJECT BETWEEN THE TIME THAT I WAS ON THE COUNCIL AND THE TIME THAT I CAME BACK.

ITEM 30, 31, 32, 34, 36, 37 --

GARZA: 37 IS POSTPONED UNTIL THE 7TH, 7TH

OF FEBRUARY.

MAYOR GARCIA: RIGHT.

BROWN: 39, 40, 41, 42, 43, 44, 45, 46, 47, 50,
51, 52, 53, 54, --

MAYOR GARCIA: LET ME SEE ABOUT 52, 52 IS
BEING RELACED BY ITEM NO. 67. WE WILL NOT
BE CONSIDERING ITEM 52. AS I UNDERSTAND IT
--

GARZA: YOU ARE CORRECT. 52 IS OFF, 67 ON
THE ADDENDUM WILL REPLACE IT.

BROWN: 53, 54, 55, 56, 57, 61, 62 IS
POSTPONED TO FEBRUARY 7TH, AND 67.

MAYOR GARCIA: OKAY. FOR THOSE OF YOU THAT
ARE NEAR TO THESE MEETINGS, IF YOU WANT TO
SPEAK ON ANY OF THE ITEMS THAT ARE HAVE
BEEN LISTED AS CONSENT ITEMS, YOU CAN SIGN
A CARD OUTSIDE AND I WILL RECOGNIZE YOU AT
THE APPROPRIATE TIME. I DON'T HAVE ANY
SPEAKERS ON THE CONSENT AGENDA. IS THAT
CORRECT? ANYBODY WANT TO SPEAK ON THE
CONSENT AGENDA? OKAY. CONSENT AGENDA IS
AS FOLLOWS, ITEM 18 FOR POSTPONEMENT TO
JUNE 27, '02, SAME THING FOR ITEM 19, 23, 24,
25, 26, 27, 28 FOR SECOND READING ONLY, 29
WITH -- WITH ME -- GUS GARCIA ABSTAINING
ON THIS ONE, ITEM 30, 31, 32, 34, 36, 37, FOR
POSTPONEMENT UNTIL FEBRUARY THE 7TH -- I
MEAN FEBRUARY 7TH, CORRECT? 39, 40, 41, 42,
43, 44, 45, 46, 47,50, 51, 52 IS BEING REPLACED
BY ITEM 67, 53, 54, 55, 56, 57, 61, AND 62 IS A
POSTPONEMENT FOR -- AND THEN 67. 62 IS A
POSTPONEMENT FOR FEBRUARY 7TH, THEN 67.
DOES ANYBODY WANTS TO SPEAK ON THESE

ITEMS? ANY QUESTIONS? COUNCILMEMBER
SLUSHER?

SLUSHER: YES, MR. MAYOR. ON 29 THE FOUR
MONTH SERVICE AGREEMENT WITH KILL-A-BUG
PEST CONTROL, THAT'S SUPPOSED TO BE UNDER
INTEGRATED PEST MANAGEMENT, IT GIVES THE -
- THE DEPARTMENT MANAGER -- APPROVAL OF
DEPARTMENT'S CONTRACT MANAGER FOR
APPLICATION PROCEDURES. THAT THEY HAVE TO
APPROVE FOR THE CONTRACTOR. I WANTED TO
MAKE SURE THAT THE CITY MANAGER MAKES
SURE THAT FOLKS IN CHARGE OF GIVING THIS
PERMISSION ARE WELL ACQUAINTED WITH WHAT
-- WHAT ARE THE BEST APPLICATION METHODS
THAT ARE WELL ACQUAINTED WITH INTEGRATED
PEST MANAGEMENT.

MAYOR GARCIA: . ARE YOU PUTTING THAT ITEM
ON THE CONSENT AGENDA?

SLUSHER: I'M SORRY, I THOUGHT IT WAS ON
THERE. I WILL PUT THAT ONE BACK ON THERE.
WHILE I HAVE THE FLOOR I WOULD ALSO PUT
BACK ON 35. I WANTED TO MAKE SURE THAT
WAS BEING DONE UNDER GREEN BUILDING
PRACTICE, MR. REIKE ASSURES ME THAT'S THE
CASE. THAT'S THE INTERIOR RENOVATION OF
ONE TEXAS CENTER. SAY THAT AGAIN,
COUNCILMEMBER, I WAS READING SOMETHING
WHILE YOU WERE TALKING, 35?

SLUSHER: 35 BACK ON. MR. REIKE ASSURED ME
THAT WILL BE DONE UNDER GREEN BUILDING
PRACTICES.

MAYOR GARCIA: OKAY. AND ITEM 58 I HAD
PULLED THAT ITEM, IT CAN GO BACK ON
CONSENT. THE APPOINTMENTS THAT WE HAVE

ARE FOR THE AUSTIN MUSIC TASK FORCE
CONSENSUS APPOINTMENTS AND THE -- THE
INDIVIDUALS THAT ARE BEING RECOMMENDED
FOR APPOINTMENT ARE KEVIN CONER, BRAD
FIRST, JOHN HAKYOSE, PEYTON [INAUDIBLE],
WENDY MORGAN, CASEY MONAHAN, JIM BUTLER,
THERESA FERGUSON, PAMELA HART AND
YZIGARO LOPEZ, THAT ITEM 58 CAN GO BACK ON
CONSENT.

ALVAREZ: MAYOR?

MAYOR GARCIA: COUNCILMEMBER ALVAREZ?

ALVAREZ: ON ITEM 23, I JUST WANTED TO -- TO
CALL ATTENTION TO THIS ITEM BECAUSE IT WAS
ABOUT A YEAR AGO WHEN WE CONSIDERED IT.
THERE WAS SOME DISCUSSION IN TERMS OF
ELIGIBILITY AND NEED TO REREGISTER FOR THIS
WAIVER FOR CUSTOMER SURCHARGE. ON THE
ELECTRIC BILLS. A LOT OF POSITIVE WORK
BETWEEN THE UTILITY AND THE CONSUMER
ADVOCATES HAS TAKEN PLACE SINCE THEN AND
I WAS JUST WONDERING IF -- IF SOMEONE FROM
STAFF COULD -- COULD KIND OF OUTLINE THE
PROCESS AND WHAT -- WHAT HA-HA COME OUT
OF IT VERY BRIEFLY IF COUNCIL COULD BEAR
THAT INDULGENCE, JUST SO THAT FOLKS IN THE
COMMUNITY KNOW THAT THIS IS AVAILABLE AND
THAT WE ARE ACTUALLY TRYING TO IMPROVE
HOW MUCH SAVINGS WE -- WE ARE PROVIDING
TO THESE FOLKS BY INCLUDING THEM IN THE
GREEN BATCH OR THE GREEN POWER PROGRAM
AND THEN ALSO THE INFORMATION THAT HAS
BEEN COMPILED BY THE UTILITY THAT IS GOING
TO BE OF GREAT SERVICE TO ANYONE WHO
WANTS TO KNOW WHAT ASSISTANCE IS
AVAILABLE TO THE PUBLIC FROM AUSTIN
ENERGY. SO REAL BRIEFLY, IF SOMEONE COULD

JUST TOUCH ON THAT.

MAYOR GARCIA: THANK YOU, COUNCILMEMBER. ON THE ITEM 258, I READ THE NAMES INTO THE RECORD. -- ITEM 58, I READ THE NAMES INTO THE RECORD. TWO MORE PEOPLE WILL BE ADDED AT A LATER DATE. THEY ARE WORKING ON IDENTIFYING CANDIDATES, THOSE TWO NAMES WILL COME FORWARD LATER.

GARZA: WE ARE PREPARED IF BOB CONNOR WANTS TO DO A TWO MINUTE, WHAT ITEM 23 IS ABOUT. WHICH IS WHAT COUNCILMEMBER WAS ASKING US TO DO. WE HAVE TWO MINUTES. ONE MINUTE.

MAYOR AND COUNCIL, BOB CONNIS ASSISTANT CITY ATTORNEY. WE HAVE BEEN WORKING FOR OVER A YEAR WITH THE CONSUMER UNION FOLKS. THE MAIN ISSUE WAS THEY WERE CONCERNED THAT THERE -- THERE WERE TWO ISSUES. THEY WANTED TO MAKE SURE THAT PEOPLE GOT VALUE OUT OF THE GREEN CHOICE SAVINGS, WE RESTRUCTURED THE TARIFF SO WHEN THEY GET THEIR BILLS, IT WILL SHOW WHAT THEIR SAVINGS ARE. THE SECOND THING THAT WE HAVE DONE WHICH WAS A BIGGER CONCERN IS MAKING SURE THAT THE COMMUNITY IS AWARE OF THIS PROGRAM AND -- AND THE NATURE OF THE NOTIFICATIONS THAT GO OUT, COORDINATING CLOSELY WITH THE DIFFERENT STATE AGENCIES, WE WILL BE AWARE OF WHO THEY PROVIDE SERVICES TO AND WE WILL BE ABLE TO GET NOTICE TO THOSE PEOPLE OUT IN THE COMMUNITY THAT PROVIDE - - THAT ARE PROVIDED THOSE SERVICES BY THE STATE AGENCIES. WE WILL BE WORKING CLOSELY WITH THEIR LISTS OF PEOPLE THAT NEED ASSISTANCE.

ALVAREZ: YES, I THINK -- I MEAN, I DON'T KNOW -- YOU MENTIONED THE GREEN POWER ASPECT TO THIS WHERE FOLKS WHO COME FORWARD AND ARE ELIGIBLE FOR THE CUSTOMER SURCHARGE WAIVER WOULD ALSO BE ELIGIBLE -
-

THEY WILL AUTOMATICALLY BEEN PUT ON THE GREEN CHOICE PROGRAM.

GREEN CHOICE. THE OTHER ISSUE IS THAT WE HAVE COMPILED FOR COMPREHENSIVE LITTLE BROCHURE OR BINDER OF ALL OF THE DIFFERENT PROGRAMS AUSTIN ENERGY HAS.

RIGHT. WE HAVE PREPARED BROCHURES AND WE HAVE COORDINATED THE WORDING ON WHAT THEY LOOK LIKE, HOW THEY WILL BE SENT OUT WITH THE CONSUMER FOLK, THEY SIGN-OFF ON THAT, WE WILL BE SPENDING THOSE OUT TO FOLKS, ALSO FINDING OUT WHO AT THE STATE AGENCIES NEED ASSISTANCE, WE WILL BE SENDING IT OUT THROUGH THEIR LISTS ALSO WHICH WE ARE NOT ALLOWED TO GET AHOLD OF FOR PRIVACY REASONS. WE WILL FORWARD THOSE BROCHURES TO THE PEOPLE ON THE LISTS ALSO, WE WILL GET AS WIDE OF A CIRCULATION AS WE CAN FOR THOSE BROCHURES.

I JUST WANTED TO COMMEND THE UTILITY FOR THE WORK ON THAT ISSUE, THANK THE MEMBERS OF THE PUBLIC THAT ALSO HELPED TO FACILITATE, YOU KNOW, THIS KIND OF PUBLIC AWARENESS, CAMPAIGN THAT WE ARE TRYING TO UNDERTAKE. SO THANKS A LOT.

THANK YOU.

GOODMAN: MAYOR?

MAYOR PRO TEM?

ON --

GOODMAN: ON ITEM NO. 25 I THINK THE POSTING MAY BE SLIGHTLY MISLEADING GIVEN THE LANGUAGE IN THE ORDINANCE BECAUSE IT'S POSTED AS PROHIBITING THE SALE OF WHEREIN IN THE ORDINANCE LANGUAGE ALSO THERE TO INCLUDE GIVING AWAY, WHICH IS A SLIGHTLY DIFFERENT PHILOSOPHICAL CONSIDERATION. SO WHAT I WOULD LIKE TO DO IS IN A -- LET ME SEE WHAT MONTH IS THIS? WHAT I AM THINKING ABOUT IS DURING THE SUMMER MONTHS, I WOULD LIKE COUNCIL TO SEE WHAT THE IMPACT OF THIS ORDINANCE WAS BOTH ON BEING ABLE TO PREVENT PUPPY MILL, KITTEN MILLS, SO ON, BUT ALSO I WOULD LIKE TO FIND OUT IF THERE IS AN IMPACT ON FURTHER DUMPING OF LITTERS ON THE SIDE OF THE ROAD OR WHATEVER. SO I CAN'T REMEMBER WHO IS GOING TO DO THE ENFORCEMENT OF THIS ORDINANCE, BUT I THINK --

MAYOR GARCIA: I SUSPECT ANIMAL CONTROL, CORRECT CITY MANAGER? HEALTH DEPARTMENT?

GARZA: I THINK WHEN WE TALKED ABOUT THE DEVELOPMENT OF THIS ORDINANCE, THE HEALTH DEPARTMENT WAS REAL CLEAR THAT THE FOLKS THAT WOULD BE IN CHARGE WOULD BE THEM AND NOT -- WE WOULDN'T BE PASSING THIS RESPONSIBILITY ON TO THE POLICE DEPARTMENT. AT -- TO THE POLICE DEPARTMENT.

AT LEAST THAT WAS MY UNDERSTANDING.

THIS WOULD BE THE ANIMAL CONTROL OFFICERS WHO WOULD ISSUE TICKETS FOR THE INFRACTION. WE ARE CHECKING RIGHT NOW ON THE ISSUE OF DUMPING TO SEE IF WE ALREADY HAVE SOMETHING ON THE BOOKS TO PREVENT THAT. WE CAN GET THAT BACK TO YOU IN A FEW MOMENTS.

GOODMAN: I WAS LOOKING AT THE RUNNING AT LARGE THAT SEDORA MENTIONED. BUT FOR VERY SMALL ANIMALS, ESPECIALLY IF THEY HAVE BEEN TAKEN AWAY FROM THEIR MOM BEFORE THEY WEANED, I DON'T KNOW THAT RUN IS REALLY APPLICABLE DESCRIPTION. THERE'S ALSO THE ISSUE OF THE COUNTY AND IF -- IF FOLKS TRY TO GET OUT OF OUR JURISDICTION AND JUST HEAD A LITTLE FURTHER OUT IN THE COUNTRY TO DUMP, CAN WE WORK IN CONJUNCTION WITH THE COUNTY AND IN FACT COME BACK IN A WHILE AND SEE IF MORE SPECIFIC AND BETTER LANGUAGE FOR THE SERVICE HERE AND PERHAPS ADDITIONAL MECHANISMS.

WHAT WE INTENDED TO DO, SINCE THIS IS A JOINT CITY/COUNTY OPERATION, IS ONCE WE HAD THE COUNCIL SATISFIED AND HAPPY WITH THE ORDINANCE, THEN IT GOES TO THE COMMISSIONERS COURTED FOR THEIR APPROVAL. SO WE WILL BE GLAD TO DO THOSE TWO THINGS.

GOODMAN: GREAT, THANK YOU. THANKS, MAYOR.

MAYOR GARCIA: LET ME ALSO MENTION THAT I CAN PROBABLY PUT ITEM 48 BACK ON THE CONSENT AGENDA, BUT I NEED TO -- TO GET --

TO -- TO GET SOME CHANCES. I THINK THIS IS WITH AUSTIN ENERGY. [ONE MOMENT PLEASE FOR CHANGE IN CAPTIONERS]

THE REASON WE ARE DOING IT THIS WAY IS WE ARE IN THE MIDDLE OF THIS PROJECT. IT'S NOT A NEW PROJECT. BUT IN FACT WE'RE IN THE MIDDLE OF SOMETHING THAT NEEDS TO BE COMPLETED.

MAYOR GARCIA: AND I DON'T SUSPECT YOU WERE THE GENERAL MANAGER OF AUSTIN ENERGY AT THIS TIME THAT THE ORIGINAL CONTRACT WAS AWARDED, BUT CAN WE NOT TELL AT THAT TIME WHETHER A CONTRACT IS GOING TO BE THIS MUCH LARGER AT THE OUTSET? YOU SAY YOU'RE YOU'RE IN THE MIDDLE OF A CONTRACT, SO YOU COULDN'T -- YOU COULDN'T FORESEE AT THAT TIME THAT THE CONTRACT WAS GOING TO BE LARGER WHEN WE AWARDED THE CONTRACT?

NO, SIR. AND IN THIS CASE WE CHANGED CONTRACTORS AND THAT'S BEEN PART OF THE REASON FOR THE MODIFICATIONS THAT WE HAVE HAD TO MAKE.

ISN'T THIS THE DATA ONE?

YES, SIR.

AND MAYOR, WE'VE HAD SOME DIFFICULTIES WITH THE ORIGINAL, I THINK THE ORIGINAL CONTRACTOR THAT STARTED ON THIS PROJECT, BUT ONE OF THE THINGS THAT HAS BEEN MENTIONED BY AUDIT REPORTS, AND I KNOW THAT JUAN AND SUE AND JOHN STEVENS WILL NEED TO BE CAREFUL WITH IS THAT THEY WANTED TO DO BETTER JOBS -- AND THIS

STARTED WAY BEFORE THIS FINDING, BUT SCOPING OUT PROJECTS THAT ARE PROCUREMENT OF SOFTWARE OR PROCUREMENT OF PERSONAL COMPUTERS OR I GUESS TECHNOLOGY. WHAT HAPPENED, THEY FOUND THAT WE WEREN'T BEING COMPREHENSIVE IN THE PLANNING STAGES UP FRONT TO KNOW WHAT THE SCOPING OUGHT TO BE. YOU ARE EXACTLY RIGHT, WE WOULD HAVE BID SOMETHING MUCH LARGER BECAUSE WE WOULD HAVE SCOPED IT OUT AT THE BEGINNING. I THINK THAT'S SOMETHING WE'RE TRYING TO REMEDY FOR FUTURE PROCUREMENTS LIKE THIS.

MAYOR GARCIA: I THINK IT'S IMPORTANT BECAUSE YOU'RE TALKING ABOUT A SECOND AMENDMENT WITH A THIRD CONTRACT, AND THAT IS LARGER AN THE -- .

THAN THE ORIGINAL.

MAYOR GARCIA: I'M GOING TO PUT THAT BACK ON THE CONSENT AGENDA UNLESS SOMEBODY WANTS TO PULL IT FOR FURTHER DISCUSSION. OKAY. LET ME AGAIN READ THE ITEMS THAT ARE ON THE CONSENT AGENDA. ITEM 18 FOR POSTPONEMENT TO JUNE 27TH, 02. THE SAME FOR ITEM 19. ITEM 22, POSTPONED INDEFINITELY. 23, 24, 25, 26, 27, 28 ON SECOND READING ONLY. 29 WITH GUS GARCIA ABSTAINING FOR REASONS THAT I ALREADY ENO, MA'AM RATED. 30,, 31, 32, 34, 35, 36, 37, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52 IS BEING REPLACED BY 67, SO THAT ITEM WILL NOT BE ON THE AGENDA, ON THE CONSENT AGENDA OR ON THE DISCUSSION AGENDA EITHER. 53, 54, 55, 56, 57, 58 WITH THE NAMES THAT WERE READ INTO THE RECORD. 61 AND 62 FOR POSTPONEMENT TO FEBRUARY THE SEVENTH. AND THEN ITEM 67. IS THERE A MOTION? A MOTION ON THE CONSENT AGENDA?

MOTION BY COUNCILMEMBER GRIFFITH.
SECONDED BY THE MAYOR PRO TEM?
DISCUSSION? IS THERE ANY DISCUSSION,
QUESTIONS? ALL THOSE IN FAVOR, SIGNIFY BY
SAYING AYE.

AYE.

OPPOSED, NO. MOTION CARRIES UNANIMOUSLY
WITH ALL THE COUNCILMEMBERS PRESENT.

MAYOR GARCIA: THE NEXT ITEM IS THE
APPROVAL OF MINUTES FROM THE WORK
SESSION OF JANUARY THE 16TH, 2002. AND THE
REGULAR MEETING OF JANUARY 17TH, 2002. I'LL
ENTERTAIN A MOTION ON THOSE TWO MINUTES.
MOTION BY COUNCILMEMBER GRIFFITH.

GOODMAN: SECOND.

MAYOR GARCIA: SECONDED BY THE MAYOR PRO
TEM. DISCUSSION? ALL THOSE IN FAVOR,
SIGNIFY BY SAYING AYE.

AYE.

MAYOR GARCIA: OPPOSED, NO. MOTION
CARRIES. AT THIS TIME, COUNCIL, I'M GOING TO
-- I WOULD LIKE TO RECESS THIS MEETING SO
THAT WE CAN GO INTO EXECUTIVE SESSION TO
DO THE LAST TWO ITEMS THAT ARE LEFT. WE
FINISHED THE ITEMS THAT ARE POSTED IN THE
AGENDA AS PRIVATE CONSULTATION WITH THE
ATTORNEY ON SECTION 551.071. AND WHAT WE
HAVE LEFT IS THE PERSONNEL MATTERS IN THE
SECTION 551.074, WHICH IS NUMBER ONE IS TO
EVALUATE THE PERFORMANCE AND CONSIDER
THE COMPENSATION OF THE CITY AUDITOR. AND

SEVEN, DISCUSS THE SEPARATION AND TRANSITION OF CITY MANAGER JESUS, GA IS A AND THE APPOINTMENT AND EMPLOYMENT OF AN ACTING CITY MANAGER. AND AT THIS TIME WE WILL GO INTO EXECUTIVE SESSION. IT IS 2:35. AND WE HOPE TO BE ABLE TO CONCLUDE IT IN ABOUT 45 MINUTES TO AN HOUR OR LESS. HOPEFULLY LESS. AND BE BACK TO CONTINUE THE ITEMS THAT ARE LEFT ON THE AGENDA. WE HAVE KA MEAL DONAHUE HERE WF WE GO INTO EXECUTIVE SESSION WITH A GUEST FROM JAPAN. IF YOU WOULD LIKE TO STAND SO THE COUNCIL CAN RECOGNIZE YOU. AND IT'S GOOD TO HAVE YOU HERE. [APPLAUSE]. SHE'S FROM OUR SISTER CITY IN JAPAN. WELCOME, SIR. WE'RE IN EXECUTIVE SESSION.

MAYOR GARCIA: THERE BEING A QUORUM OF THE AUSTIN COUNCIL, I'M GOING TO CALL THE MEETING BACK TO ORDER. AND I APOLOGIZE TO ALL OF YOU FOR TAKING A LITTLE BIT LONGER THAN WE EXPECTED IN EXECUTIVE SESSION. BUT THERE WERE THINGS THAT WE NEEDED TO ADDRESS. AND I APPRECIATE YOUR PATIENCE. WE HAVE A TIME CERTAIN ITEM AT 4:00 O'CLOCK, WHICH IS THE ZONING CASES. AND I'LL CALL THAT UP FIRST. I UNDERSTAND THAT WE CAN DO IT VERY FAST.

YES, MAYOR, WE WILL MAKE EVERY EFFORT TO GIVE YOU A SPEEDY PRESENTATION. GOOD AFTERNOON COUNCILMEMBERS. I'M ALICE GAS CO-, DIRECTOR OF THE NEIGHBORHOOD AND PLANNING DEPARTMENT AND THE ZONING CASES ARE AS FOLLOWS. S-1 CROURN 01-0111, THIS CASE IS LOCATED GENERALLY ALONG U.S. HIGHWAY 183. THE PROPERTY IS CURRENTLY ZONED INTERIM RURAL RESIDENTIAL AND SINGLE 2. THE APPLICANT IS SEEKING A CHANGE TO GR, WHICH STANDS FOR COMMUNITY COMMERCIAL. THE ZONING AND PLANNING

COMMISSION HAS RECOMMENDED A CHANGE AND THIS CASE IS READY FOR ALL THREE READINGS. ITEM 1-2, CASE C-14-97-148, THIS IS AN AMENDMENT TO A RESTRICTIVE COVENANT FOR PROPERTY LOCATED AT 13347 NORTH U.S. HIGHWAY 183. THE ZONING AND PLATTEDDING COMMISSION HAS RECOMMENDED THAT YOU MAKE THIS A RESTRICTIVE COVENANT AND THIS ONE SIMPLY REQUIRES YOUR APPROVAL. THERE IS NO ORDINANCE ALONG WITH THIS AMENDMENT. ITEM NO. Z-3, THERE ARE CITIZENS SIGNED UP TO SPEAK, SO WE WILL DISCUSS IT PREVIOUSLY. ITEM 1-HAD, C-14-1-154, STAFF IS REQUESTING A PROEFT POSTPONEMENT TO FEBRUARY THE -- POSTPONEMENT TO FEBRUARY THE 28TH. THAT CONCLUDES THE CONSENT ITEMS, MAYOR.

MAYOR GARCIA: COUNCIL, S-1 IS THE CONSENT FOR THREE READINGS. Z-2 IS APPROVAL OF A RESTRICTIVE COVENANT AND AMENDMENT. AND Z-4 IS A CONSENT AGENDA FOR POSTPONEMENT FOR FEBRUARY THE 28TH. OTHER QUESTIONS OF MS. GLASCO? ARE THERE ANY MOTIONS ON THE CONSENT AGENDA?

WYNN: I MOVE APPROVAL OF THE CONSENT AGENDA.

MAYOR GARCIA: MOTION BY COUNCILMEMBER WYNN. I'LL SECOND THAT ONE. DISCUSSION IN? ALL THOSE IN FAVOR, SIGNIFY BY SAYING AYE. OPPOSED, NO. MOTION CARRIES ON A VOTE OF SIX TO ZERO TO ZERO, WITH THE THERAPY TEMPORARILY OUT OF THE ROOM. ITEM Z-3?

ITEM Z-3 IS CASE C-14-01-115. THIS CASE IS LOCATED AT 1701-1721 WEST SLAUGHTER GAIN. THE PROPERTY IS CURRENTLY ZONED GR. THIS DISTRICT WOULD ALLOW OTHER USES, FOR

EXAMPLE, MINI-WAREHOUSES. THE ZONING AND PLANNING KMIX RECOMMENDATION IT TO GRANT THE REQUEST TO CS WITH AN CONDITIONAL OVERLAY. AND THE REQUEST CAN BE APPROVED ON ALL THREE READINGS IF THE COUNCIL APPROVES THE PLANNING COMMISSION RECOMMENDATION RECOMMENDATION. I WILL PAUSE HERE AND LET THE APPLICANT GIVE YOU AN OVERVIEW OF WHAT IT'S PROPOSING IN ORDER TO SAVE TIME AND THEN YOU CAN ASK QUESTIONS OF ME IF YOU NEED TO. THANK YOU.

MAYOR GARCIA: THE APPLICANT HAS FIVE MINUTES FOR THEIR PRESENTATION. AND THEN THERE'S TWO SPEAKERS. AND YOU HAVE THREE MINUTES FOR REBUTTAL. CAN YOU GET VOLUME ON THAT MIC, PLEASE. I THINK YOU GOT IT.

THANK YOU, MAYOR. MY NAME IS JERUSALEM. I AM HERE REPRESENTING THE PROPERTY OWNER. WE BELIEVE WE HAVE A VERY UNIQUE PIECE OF PROPERTY HERE THAT REQUIRES SOME SPECIAL CONSIDERATION. THE PROPERTY IS LOCATED ALONG SLAUGHTER LANE NEAR THE INTERSECTION WITH MANCHACA. IT'S ADJACENT TO THE MISSOURI PACIFIC RAILROAD. IT HAS FLOODPLAIN ON THE PROPERTY, HAS A 35 FOOT RETAINING WALL LOCATED ALONG SLAUGHTER LANE. THE PROPERTY HAS BEEN ON THE MARKET FOR ALMOST 15 YEARS AS A RETAIL SITE AND UNFORTUNATELY, WE'VE HAD NO RETAIL BUYERS. WE HAVEN'T HAD ONE PHONE CALL OR ONE OFFER ON THE PROPERTY IN THAT 15 YEARS. THE REMAINDER OF THE SHOPPING CENTER IS IN THE PROCESS OF BEING DEVELOPED. THE ALBERTSON'S ANCHORED SHOPPING CENTER EXISTS. PAD SITES ARE BEING DEVELOPED AS WELL. WE BELIEVE WITH THE SITE RESTRICTIONS AND RESTRAINTS THAT ADDITIONAL FLEXIBILITY SHOULD BE CONSIDERED FOR THIS PROPERTY TO ALLOW

OTHER USES OTHER THAN GENERAL RETAIL. IN WORKING WITH MEMBERS OF THE CITY STAFF AND THE PLANNING COMMISSION, WHAT WAS PROPOSED IS A CS-CO, HOWEVER, THE ONLY USES THAT WOULD BE ALLOWED ON THE PROPERTY WOULD BE LR OR LO USES. WE'VE SPOKEN WITH THE NEIGHBORHOOD SEVERAL TIMES, UNFORTUNATELY, THERE'S ONE CATCHING POINT THAT THEY WOULD NOT BE ABLE TO -- AT LEAST ONE CATCHING POINT THAT I'M AWARE OF IS THEY ARE NOT COMFORTABLE WITH HAVING THE ABILITY FOR CONVENIENCE STORAGE ON THE PROPERTY. THEREFORE WHAT WE AGREED TO DO IS GO WITH WLO USES, WHICH IS THE ONLY WAY THEY WOULD BE ALLOWED TO DO CONVENIENCE STORES IF THAT'S WHAT WE PROPOSED TO DO WOULD BE TO GO BACK TO THE PLANNING COMMISSION WITH A CONDITIONAL USE SITE PLAN TO ADDRESS ARCHITECTURAL AND SITE PLAN REQUIREMENTS TO ADDRESS THEIR CONCERNS. OTHERWISE WE WOULD LIKE TO HAVE THE FLEXIBILITY OF THE RESTRICTIONS TO DO OTHER TYPE USES SUCH AS NEIGHBORHOOD OFFICE, NEIGHBORHOOD RETAIL. I'LL BE AVAILABLE TO ANSWER ANY QUESTION IF YOU HAVE ANY. THANK YOU.

GOODMAN: THANK YOU VERY MUCH.
COUNCILMEMBERS, DO YOU HAVE QUESTIONS?
MAYBE LATER ON. YOU WILL HAVE REBUTTAL
TIME AS WELL. THANK YOU. THE FIRST SPEAKER
IS LYDA GUZ. THE SECOND IS -- .

HI, I'M A REPRESENTATIVE OF THE TEXAS OAKS
NEIGHBORHOOD ASSOCIATION AND ALSO THE
SOUTH BY SOUTHEAST NEIGHBORHOOD
ASSOCIATION. OUR MEMBERS OF THESE
ASSOCIATIONS HAVE MET AND DISCUSSED
THESE ISSUES AND WE HAVE -- WE ARE
STRONGLY OPPOSED TO CS AND ALSO THE

OPTION FOR CONVENIENCE STORAGE. WE HAVE SEVERAL REASONS, AND I KNOW THAT THEY'RE STATING THAT THEY HAVE HAD NO LUCK AT ALL IN MARKETING THIS LAND AS GR, BUT THIS AREA IS JUST NOW BECOMING MORE DEVELOPED WITH A LOT MORE RESIDENTIAL AREA AND WE HAVE A DEFINITE SHORTAGE OF SERVICES THAT FALL IN THE GR ZONING FOR THIS AREA. AS WE GROW RAPIDLY, IT'S GROWING DOWN MANCHACA ROAD, GROWING DOWN SLAUGHTER RAIN, IT'S RAPIDLY GROWING. WE ALSO HAVE A DEFINITE INTEREST OF SUPPORTING THE BUSINESSES THAT ARE THERE AT THIS SHOPPING CENTER ALREADY AND WHATEVER GOES IN THERE, WE WANT IT TO ENHANCE THE BUSINESSES THAT ARE THERE NOW SO THAT THEIR SURVIVAL IS STRENGTHENED. I DON'T SEE HOW MINI STORAGE COULD EVER DO THAT, SO THIS IS WHAT WE ARE PRETTY MUCH ADAMANTLY OPPOSED TO. WE HAVE A NEED FOR LIBRARIES. THERE'S A POSSIBILITY OF THE LIGHT RAIL GOING THROUGH HERE AND THIS WOULD BE AN EXCELLENT SITE FOR THE PARK AND RIDE STATION KIND OF SITUATION. BUT EVERYTHING THAT WE WOULD LIKE TO CONSIDER TO GO IN THERE WOULD FIT UNDER GR. AND NOW THAT THERE ARE MORE AND MORE RESIDENCES, AND I KNOW THE MARKET IS A LITTLE LOW RIGHT NOW, BUT INSTEAD OF FIGURING OUT WHAT THE MARKET WILL BEAR RIGHT NOW, I WOULD LIKE THIS TO BE A LONG-TERM PLAN, SOMETHING THAT HELPS THE AREA ON THE LONG-TERM. THIS IS NOT SOMETHING LATER WE'RE GOING WELL, WE PUT THIS IN WHEN THIS IS WHAT IT WOULD TAKE, BUT NOW I WISH IT WASN'T THERE BECAUSE WE COULD HAVE USED THIS LAND FOR SOMETHING ELSE. SO PLEASE SEE IT OUR WAY. WE ARE THE RESIDENTS WHO HAVE TO PUT UP WITH IT. WE HAVE AN ABUNDANCE OF MINI STORAGE OUT HERE AND THERE ARE VERY SITLEY. THE ONES ACROSS THE TRACK THERE WERE GRANDFATHERED IN. IF WE HAD A CHOICE

NOW, WE WOULD HAVE IT TAKEN AWAY, BUT WE CAN'T. BUT WE DON'T NEED ANY MORE. HELP US PLAN OUR AREA WISELY.

GOODMAN: THANK YOU. SO YOUR PREFERENCE IS TO REMAIN GR?

YES.

GOODMAN: AND DO YOU HAVE A FEELING AT ALL FOR THE RECOMMENDATION OF THE ZONING AND PLATTING, WHICH IS THE WLO, BUT IT MADE THE STORAGE CONDITIONAL, WHICH HAS TO COME BACK THROUGH THE PROCESS.

WELL, CS IS SOMETHING I'M DEAF KNITLY OPPOSED TO, BECAUSE ZONING TENDS TO GROW. SOMEBODY SAYS THERE'S CS, AS HE DID NOW WITH THE PRESENTATION, IS YOU SEE WHAT'S ALL AROUND, WHAT'S WRONG WITH ONE MORE? AND USUALLY EACH TIME THE CONDITIONAL OVERLAYS GET A LITTLE MORE LENIENT AND SO WE DON'T WANT THAT TO INCREASE. BUT AS FAR AS THE CONDITIONAL OVERLAY, I DON'T -- BECAUSE IT STILL ALLOWS FOR THE CONVENIENT STORAGE AND THAT'S WHAT WE DEFINITELY DO NOT WANT. I DON'T FEEL IT ENHANCES THE SHOPPING CENTER AT ALL. IT WON'T INCREASE THE BUSINESS FLOW OF THE OTHER BUSINESSES THAT ARE THERE, THE CUSTOMER FLOW. SO IT DIDN'T REALLY GIVE US WHAT WE WANTED.

GOODMAN: LET ME ASK YOU ONE MORE VARIATION OF THAT, BECAUSE I AGREE WITH YOU ABOUT THE STORAGE UNITS. AND SOUTH AUSTIN IS NOT LACKING IN STORAGE UNIT. WOULD YOU ALSO PREFER KEEPING THE LR -- I MEAN GR IF THE WLO PROPOSED BY ZONING AND

PLATTING WERE TO PROHIBIT STORAGE UNITS RATHER THAN JUST HAVING THEM BE A CONDITIONAL OVERLAY?

WELL, I HAVE AGREED WITH THEIR CONDITIONAL OVERLAY AS FAR AS THE OTHER BUSINESSES THAT THEY HAVE RESTRICTED OUT OF THIS, BUT YEAH, THAT WOULD HELP, BUT I STILL DON'T LIKE THE IDEA OF THE CS BECAUSE TYPICALLY THESE CASES ARE PRESENTED IN THIS FASHION WHERE WE SAY NO, WE HAVE CS HERE AND HERE AND WHAT'S WRONG WITH ONE MORE?

GOODMAN: I WAS THINKING OF THE WLO, NOT CS, I THINK THAT'S AN OPTION TO PRESENT. AND I JUST WANTED TO GET YOU ALL'S FEEL FOR WLO, NOT FOR CS. AND ESPECIALLY IF THERE WAS A PROHIBITION AGAINST THE STORAGE UNITS, PERIOD. HAVE YOU THOUGHT ABOUT THAT?

WE HAD. I MEAN, WE DO HAVE THAT WLO THAT'S ACROSS THE STREET, ACROSS MANCHACA BEHIND THE HEB, BUT UNFORTUNATELY, I'M NOT AS FAMILIAR WITH THE USE OF THE WLO. I WOULD HAVE TO LOOK AT IT. BUT MY REFERENCE WOULD BE STATE GR. THIS IS GR AREA. I KNOW THEY'RE SAYING THERE'S NOT A LOT OF SLAUGHTER LANE GROJ. IT'S NOT SOMETHING YOU CAN EASILY ACCESS OFF OF SLAUGHTER, BUT WHEN YOU YOU PULL INTO THE SHOPPING CENTER, WHEN YOU LOOK AROUND AND YOU CAN BE SURROUNDED BY RETAIL BUSINESSES. ONCE YOU'RE IN THERE, IF YOU'RE GOING SHOPPING IN THE GROCERY STORE OR WHATEVER, I DON'T THINK PEOPLE ARE LOOKING AT IT IN TERMS OF HOW EASY WAS IT FOR ME TO SEE THIS FROM SLAUGHTER LANE? I MEAN, IF THIS IS BUILT RIGHT AND PLANNED RIGHT, THIS WILL BE HEAVILY TRAVELED ENOUGH THAT ALL THESE BUSINESSES CAN SUPPORT EACH OTHER

AND DRAW BUSINESS TO ONE ANOTHER.

GOODMAN: THANK YOU. OTHER QUESTIONS FROM COUNCILMEMBERS. AND MAYOR, YOU'RE BACK. THE OTHER SPEAK -- THANK YOU, MA'AM. BETTIE EDGEMAN?

GOOD AFTERNOON. I'M BETTIE EDGEMAN, AND I AGREE WITH WHAT LYDA WAS SAYING. UNDER GENERAL RETAIL, AND WE HELPED GET THIS GENERAL RETAIL. WE WERE THE ONLY -- SOUTHEAST AUSTIN COMMUNITY ASSOCIATION, ALTHOUGH I'M SPEAKING FOR MYSELF TODAY, BUT REMEMBER THAT COMMUNITY ASSOCIATION WAS THE ONLY ONE OUT THERE AT THAT TIME JUST ABOUT WHEN THIS CAME IN. SO THE GR DESIGNATION WAS JUST FIT JUST RIGHT AT MANCHACA AND THE OLD SLAUGHTER. AND NOW THE NEW SLAUGHTER. BUT -- AND GR IS GOOD ENOUGH FOR THREE OTHER SIDES OF THE ROAD. AND THE CS IS FAR TOO INTENSE, THOUGH ACTUALLY YOU COULD GO DOWN. YOU COULD DO LO BECAUSE YOU YOU COULD PUT SOME KIND OF OFFICE IN THERE WITHOUT THE WLO, BUT JUST LO. YOU COULD PUT OFFICES IN THERE. PEOPLE SEE OFFICES, THEY GO TO SFAS EVERYDAY. YOU COULD PUT MEDICAL OFFICES OR SOMETHING IN THERE. BUT THE GR, THE GENERAL RETAIL, GIVES YOU A LOT OF FLEXIBILITY. AND LIKE LYDA SAID, THIS AREA IS NOW GROWING. WE'RE -- JUST THINK OF HOW MANY ZONING CASES HAVE COME BEFORE YOU AND HOW MANY ZONING CASES ARE GOING TO COME BEFORE YOU WHAT IS ALREADY PLANNED AND PLOTTED FOR OUT IN THAT AREA, WHICH INVOLVES PEOPLE NEEDING SERVICES. AND ESPECIALLY BECAUSE WE DO HAVE GOOD HOUSING THAT PEOPLE -- YOU KNOW, WITH YOUNG FAMILIES THAT CAN ACTUALLY BUY OR RENT. WE DON'T HAVE A WHOLE LOT OF HIGH RENT AREA THERE OR HIGH PRICES OF HOMES THERE. THEY'RE

VERY COMPATIBLE WITH EACH OTHER AND EVERYTHING WORKS TOGETHER. CS IS NOT. AND YES, I DID HELP GET SOME OF THE CS WAREHOUSE ZONING ON MANCHACA ROAD. I ACTUALLY HELPED GET IT BECAUSE IT SEEMED APPROPRIATE FOR THE PIECES OF PROPERTY THAT WERE INVOLVED. BUT ON THIS ONE, NO, I THINK THE GR, IT SHOULD STAND AT GR. THANK YOU.

GOODMAN: THANK YOU. OKAY. THE APPLICANT HAS REBUTTAL. THREE MINUTES.

MAYOR PRO TEM, I'M NOT SURE HOW MUCH I CAN GO INTO AND ARGUE WITH WHAT BET DI AND LYDA HAD TO SAY. I THINK THEY'VE HAD SOME VERY GOOD POINTS AND WE'VE TRIED TO MEET AND GO OVER THOSE POINTS. AND THIS IS A VERY UNUSUAL CASE. AND I KNOW WHAT YOU'RE SAYING ABOUT TRYING NOT TO PROPAGATE THE CS AND THE USES IN THIS AREA. BUT I WANT TO POINT OUT WE HAVE THESE USES AROUND OUR CS OR WLO THAT EXIST. WE'RE NOT ASKING TO PROPAGATE INTO A NEW AREA THAT DOESN'T EXIST. WE'RE ASKING TO GET THE SAME BUSINESSES THAT THE PROPERTY OWNERS ADJACENT TO US HAVE ALREADY BEEN GRANTED SO THAT WE CAN MARKET THIS PROPERTY. WE HAVE A 35-FOOT RETAINING WALL HERE. WE CANNOT ACCESS SLAUGHTER LANE. THE ONLY PLACE WE CAN ACCESS IS THROUGH THIS PROPOSED SHOPPING CENTER. WE HAVE THE RAILROAD TRACKS NEXT TO YOU US. WHEN THE SHOPPING CENTER IS BUILT WE'LL BE LOOKING AT THE BACK OF A SHOPPING CENTER. WE HAVE AN UNUSUAL CASE HERE. NONE OF THE OTHER INTERSECTIONS HERE HAVE THAT SET OF REQUIREMENTS. THE OTHER THING I WOULD LIKE TO POINT OUT IS WE DO NOT HAVE A SINGLE RESIDENCE WITHIN 1100 FEET OF THIS PROPERTY. AND WE HAVE

TRIED TO OFFER RESTRICTIONS TO TRY TO ALLEVIATE SOME OF THOSE CONCERNS. UNFORTUNATELY, WE HAVEN'T MADE AGREEMENT WITH WHAT WE FEEL THE CS WITH WLO USES AND MINI STORAGE, IF MINI STORAGE WAS TO BE PUT HERE, WOULD BE A CONDITIONAL USE PERMIT, HAVE TO GO BACK TO PLANNING COMMISSION FOR ARCHITECTURAL AND SITE PLAN APPROVAL. THANK YOU.

GOODMAN: THANK YOU VERY: MUCH -- THANK YOU VERY MUCH. IF THERE ARE NO OTHER SPEAKERS..... SPEAKERS -- I HAD ONLY THE TWO CARDS. IF WE MISSED YOU BY ACCIDENT, PLEASE TELL US NOW. AND IF THERE ARE NO FURTHER SPEAKERS, WE CAN CLOSE THE PUBLIC HEARING.

GOODMAN: THERE'S A MOTION AND A COUPLE OF SECONDS. I BELIEVE COUNCILMEMBER GRIFFITH WAS THE FIRST SECOND. MOTION BY COUNCILMEMBER ALVAREZ. FURTHER DISCUSSION? ALL THOSE IN FAVOR, SIGNIFY BY SAYING AYE? THAT PASSES. AND OKAY. TIME FOR DISCUSSION AND A MOTION. COUNCILMEMBER WYNN?

WYNN: A QUESTION FOR STAFF. THE RECOMMENDATION FROM THE ZONING AND PLATTING COMMISSION IS THE CS WITH THE CONDITIONAL OVERLAY. THE STAFF -- DOES STAFF AGREE WITH THAT RECOMMENDATION?

YES, THE STAFF RECOMMENDATION IS VERY SIMILAR TO THAT OF THE PLANNING COMMISSION. THE STAFF RECOMMENDATION TO GRANT CS WITH A CONDITIONAL OVERLAY.

WYNN: THANK YOU.

SLUSHER: QUESTION? DOES THIS PROPERTY ACCESS STREET LEVEL OR IS IT BELOW THE -- I THINK THERE'S A BRIDGE OVER THE RAILROAD TRACKS AT SLAUGHTER.

YES, SIR, THERE IS. THE INTERSECTION AT SLAUGHTER AND MANCHACA IS AT GRADE. IT STARTS TO RAMP UP OVER THE RAILROAD TRACKS AT THIS POINT. THIS IS A ZERO HEIGHT RETAINING WALL. IT'S TWENTY FEET AT THIS POINT AND 35 FEET AT THIS POINT AND THEN ACROSS. SO WE ARE WELL -- AT THIS POINT WE'RE 35 FEET BELOW GRADE OF SLAUGHTER LANE.

SLUSHER: OKAY. AND THE SHOPPING CENTER IS PLANNED FOR WHERE?

THIS IS THE EXISTING ALBERTSON'S. THESE SHOPS ALREADY EXIST. THIS RETAIL SPACE WILL BE BUILT AND THESE PADS ARE IN THE PROCESS OF BEING SOLD. THIS PARCEL IS ALREADY IN THE PROCESS FOR SITE DEVELOPMENT PERMIT. SO WHEN THIS IS BUILT, WE'LL BE LOOKING AT THE BACK OF THE SHOPPING CENTER.

SLUSHER: THEN THAT WOULD BE BELOW GRADE TOO.

ACTUALLY NOT. THEY HAVE AT GRADE ACCESS AT THIS POINT. IT'S MUCH EASIER TO GET ACCESS HERE. WE'VE ACTUALLY TRIED TO MARKET THIS PROPERTY TO RETAILERS. THERE'S NOT ONE RETAIL USER THAT'S LOOKED AT THIS PIECE OF PROPERTY AND MADE AN OFFER ON IT IN 15 YEARS. WE CAN'T PUT SOMEBODY IN THERE BECAUSE THEY'LL BE LOOKING AT THE BACK OF

THE SHOPPING CENTER AND BECAUSE OF THE GRADE ISSUES.

SLUSHER: WHAT STREET IS THIS? I CAN'T TELL FROM THE MAP IN FRONT OF ME WHERE THAT -- WHERE IS ACCESS TO THE PROPOSED SHOPPING CENTER THAT'S NEXT TO YOU.

AT THIS POINT THIS IS SLAUGHTER LANE.

SLUSHER: SO ALL -- THAT MAP IS CONFIGURED DIFFERENTLY MUCH I GOT IT. OKAY. SO THAT'S BEFORE IT STARTS RAMPING UP?

YES, SIR, THERE IS WHERE THE RAMP BEGINS AND THIS IS WHERE THE BRIDGE SECTION IS. WE ARE ACTUALLY LOOKING AT THE BRIDGE. THE DIFFICULTY FOR US FROM A RETAIL STANDPOINT, EVEN IF WE COULD FIND A RETAIL USER, WHICH WE CAN'T BECAUSE OF THE ACCESS AND THE VISIBILITY, WE HAVE THE RAILROAD, THE FLOODPLAIN AND THEN THE MAXIMUM HEIGHT OF OUR SIGN WON'T EVEN BE ABOVE THE ROAD. SO WE HAVE MULTIPLE THINGS THAT ARE AGAINST US ON THE PROJECT.

SLUSHER: OKAY. THANKS.

WYNN: MAYOR PRO TEM? MISS GLASCO, I'M SORRY, IS THIS READY FOR HOW MANY READINGS?

THIS IS READY FOR ALL THREE READINGS, IF YOU APPROVE THE PLANNING COMMISSION RECOMMENDATION. THE ZONING AND PLATTING COMMISSION. I GUESS I'LL NEVER STOP CALLING THEM THE PLANNING COMMISSION. SORRY

ABOUT THAT.

WYNN: MAYOR PRO TEM, I UNDERSTAND THE ISSUES RELATED TO SEEING THE ZONING CATEGORIES ON A MAP, BUT IN THREE DIMENSIONS AND KNOWING THE SITE HERE, I MOVE APPROVAL OF THE ZONING AND PLATTEDDING COMMISSION RECOMMENDATION ON ALL THREE READINGS.

GOODMAN: THERE'S A MOTION TO TAKE THE RECOMMENDATION OF THE ZONING AND PLATTING COMMISSION FOR ALL THREE READINGS. IS THERE A SECOND?

ALVAREZ: SECOND.

GOODMAN: SECONDED BY COUNCILMEMBER ALVAREZ. COUNCILMEMBER WYNN, DID YOU WANT TO MAKE FURTHER COMMENTS ON YOUR MOTION?

WYNN: NO, MA'AM.

GOODMAN: COUNCILMEMBER ALVAREZ?

SLUSHER: I WANT TO SAY SOMETHING. I'M NOT GOING TO BE ABLE TO SUPPORT IT ON ALL THREE. I THINK MR. KNIGHT MAKES SOME GOOD POINTS ABOUT -- CLEARLY ABOUT THE ACCESS TO THE PROPERTY, BUT I'M CONCERNED ABOUT THE STORAGE -- POSSIBILITY OF MINI STORAGE HERE BECAUSE THERE'S ALREADY -- I SEE ONE ACROSS THE TRACKS THERE AND THEN THERE'S A VERY PROMINENT ONE DOWN AT I-35 AND SLAUGHTER. AND IT JUST SEEMS LIKE THAT'S TOO MANY. SO IF THERE'S FOUR TO GO THROUGH OR FIVE, I GUESS IT'S GOING TO GO

THROUGH, BUT I WOULD LIKE TO HAVE A LITTLE BIT MORE TIME TO TRY TO FIGURE OUT WHAT WOULD BE FAIR IN THIS INSTANCE. I THINK YOU MAKE GOOD POINTS ABOUT THE RETAIL, BUT I'M CONCERNED ABOUT THE STORAGE. I KNOW UNDER WHAT YOU'RE PROPOSING YOU STILL HAVE TO COME BACK BEFORE THE PLANNING COMMISSION, BUT THEN THAT'S PROBABLY WHAT'S GOING TO HAPPEN AND THEN THE NEIGHBORHOOD IS RIGHT BACK DOWN THERE AGAIN DEALING WITH THAT.

GOODMAN: WOULD YOU BE OFFERING A FRIENDLY AMENDMENT THEN TO TAKE IT ON LESS THAN THREE READINGS?

SLUSHER: WELL, I WOULD SAY I WOULD VOTE FOR IT ON FIRST READING IF COUNCILMEMBER WYNN WANTS TO DO THAT. IF HE WANTS TO TRY TO ROLL IT THROUGH, THAT'S UP TO HIM.

WYNN: I GUESS, FRANKLY, I DON'T SEE WHAT WOULD BE CHANGED BETWEEN FIRST AND THIRD READING. I THINK THE CONDITIONAL OVERLAYS RESTRICT THIS APPROPRIATELY TO THE LO USES EFFECTIVELY. SO I CONSIDER IT UNFRIENDLY.

SLUSHER: THAT'S FINE.

GOODMAN: LET ME SAUFER THEN -- THIS WOULD BE A LITTLE TORTUROUS, SO YOU WOULDN'T WANT TO DO ALL THREE READINGS, BUT THERE HAVE BEEN IN THE PAST DIFFERING COMBINATIONS OF USES THAT WE'VE BEEN SORT OF ABLE TO LAY OUT BY FOOTPRINT OR DIVIDING A TRACT INTO TRACT 12 AND SUBTRACT 1, SUBTRACT 2, ETCETERA. WE MIGHT BE ABLE TO ADD OR AT LEAST ENHANCE A USE. AND IN THIS CASE SINCE THE SURROUNDING

NEIGHBORS..... NEIGHBORS -- ACTUALLY, THE REGIONAL NEIGHBORS WOULD LIKE TO HAVE MORE RETAIL, POSSIBLY THERE'S A WAY TO ADD IN THE RETAIL -- SORRY. RETAIN THE RETAIL AND ADD IN SOMETHING ELSE FOR A DIFFERENT PART OF THE TRACT. I DON'T KNOW IF THE DEVELOPER AND NEIGHBORS HAVE TALKED ABOUT THAT AT ALL OR HOW DIFFICULT THAT IS TO DO WITH THIS PARTICULAR PIECE OF LAND BASED ON NET SITE, BUT THE REASON I SAY THAT IS BECAUSE I COULD PROBABLY VOTE FOR THIS ON FIRST READING, BUT ONLY FIRST READING. IF YOU WERE TO TAKE IT ON ALL THREE, I WOULD SAY NO, KEEP THE GR ABSOLUTELY. SO IT JUST DEPENDS ON IF YOU CAN ENTERTAIN THAT KIND OF POSSIBILITY.

COUNCILMEMBER WYNN?

GOODMAN: AND I GUESS WE SHOULD ASK THE APPLICANT IF HE COULD ENTERTAIN SUCH A POSSIBILITY.

WYNN: YES, I WOULD.

IF I COULD ADD ONE THING. THE DIFFICULTY WITH COMBINING THE EXISTING SHOPPING CENTER AND THIS FOUR-ACRE TRACT IS THAT THEY ARE SUBJECT TO DIFFERENT RULES AND REGULATIONS. THE SHOPPING CENTER IS GRANDFATHERED BACK MANY, MANY YEARS. THIS FOUR-ACT ACCUSER TRACT IS SUBJECT TO ALL RULES AND REGULATIONS. OUT OF THE FOUR ACRES, WE'LL ONLY HAVE ABOUT 1.4 ACRES OF IMPERVIOUS COVER. SO IT'S VERY SMALL TO BEGIN WITH. WE REALLY FEEL THAT THIS IS A GOOD CASE AND WE WOULD LIKE TO TRY TO HEAR IT ON ALL THREE READINGS IF WE COULD. WE UNDERSTAND THE COUNCIL FROM SOME OF THE COMMENTS FROM COUNCILMEMBER

SLUSHER AND MAYOR PRO TEM GOODMAN, THAT THE FIRST READING MIGHT BE A POSSIBLE WAY FOR US TO TALK ABOUT WAYS TO MAKE IT WORK AND WE'RE WILLING TO DO THAT, BUT WE THOUGHT WE WERE DOING A GOOD THING WITH THE WLO AND TO COME BACK WITH A SITE PLAN -- IF THIS WAS THE ONLY USE COME BACK AND IT WOULD REQUIRE US TO GET A SITE PLAN AND ARCHITECTURAL CONTROLS AGREED TO PRIOR TO THAT, IF THEY DIDN'T LIKE IT, THEY COULD SAY NO. WHAT WE HAVE ALWAYS SAID, LET THE MARKET DICTATE WHAT'S THERE 'LET'S NOT TRY TO DICTATE WHAT WE HAVE TO PUT THERE. IF THERE'S AN OVERABUNDANCE OF UNITS IN THE AREA, WE WILL NOT HAVE SOMEONE THAT WANTS TO GO THERE. WE DO NOT HAVE A USER THAT WANTS TO GO THERE. WE WANT SOMETHING WE CAN MARKET.

GOODMAN: COUNCILMEMBER WYNN?

WYNN: I JUST THINK THE SITE CONSTRAINTS ARE SO DRAMATIC IN THIS CASE THAT -- AND WITH THE LIMITED NET SITE AREA AVAILABLE, I JUST -- AND IN PRACTICAL TERMS, I DON'T SEE BIFURCATING THE SITE AND TRYING TO RESERVE A RETAIL USE, BUT -- I WOULD LIKE TO SEE THE ZONING CASE MOVING FORWARD, SO IF I NEED TO GO ON FIRST READING TO GET FOUR VOTES, I THINK WE SHOULD DO THAT AND KEEP THIS ZONING CASE POSITIVELY MOVING FORWARD. SO I'LL AMEND MY MOTION TO FIRST READING ONLY AND -- BUT FULLY EXPECT THAT THERE'S FRANKLY NOT GOING TO BE IN PRACTICAL TERMS MOVEMENT ON THE LIKELY SITE DEVELOPMENT AREA.

GOODMAN: COUNCILMEMBER ALVAREZ, DO YOU CONCUR?

ALVAREZ: YES.

GOODMAN: IS THERE FURTHER DISCUSSION?
THE MOTION NOW BEING AMENDED TO FIRST
READING. ALL THOSE IN FAVOR, PLEASE SAY
AYE. OPPOSED? ABSTAINING? MAYOR?

MAYOR GARCIA: THANK YOU, MAYOR PRO TEM.

THANK YOU.

MAYOR GARCIA: LET ME BRING UP AN ITEM THAT
WE CAN DO QUICKLY. WE DISCUSSED THIS IN
EXECUTIVE SESSION. UNDER THE PROVISIONS
OF THE OPEN MEETING LAW. IT'S ITEM NUMBER
60, APPROVE A NEW COMPENSATION PACKAGE
FOR THE CITY AUDITOR. AND YOU'RE ASKING
DISTRIBUTED..... DISTRIBUTED -- BEING
DISTRIBUTED A RESOLUTION NUMBERED 010131
THAT SETS THE SALARY OF THE CITY AUDITOR,
STEVE MORGAN TO BECOME EFFECTIVE AT THE
BEGINNING OF THE FIRST PAY PERIOD
FOLLOWING THE ADOPTION OF THIS
RESOLUTION. 3653.36 EVERY PAY PERIOD WHICH
COMES TO 95,000 DOLLARS ANNUALLY.
EVERYTHING ELSE REMAINS PRETTY MUCH THE
SAME. I'LL ENTERTAIN A MOTION ON THIS?

THOMAS: MOVE FOR APPROVAL, MAYOR.

MAYOR GARCIA: MOTION BY COUNCILMEMBER
DANNY THOMAS. AND ON THE RESOLUTION. IS
THERE A SECOND?

GOODMAN: SECOND.

MAYOR GARCIA: THAT'S TWO SECONDS. I'LL
CONSIDER THE MAYOR PRO TEM AS A SECOND

ON THIS ONE. DISCUSSION? I WANT TO SAY THAT WE WANT TO COMPLIMENT THE CITY AUDITOR FOR THE IMPROVEMENTS THAT HAVE BEEN MADE TO THAT OFFICE. THE COUNCIL WAS VERY PLEASED WITH THE WORK THAT'S BEING GOING ON AND HOPE THAT THE WORK CONTINUES IN THE SAME DIRECTION. ALL THOSE IN FAVOR, SIGNIFY BY SAYING AYE? OPPOSED, NO. MOTION CARRIES. IS THE COUNCIL READY TO CONSIDER ITEM NUMBER 21? THIS IS DISCUSSION AND POSSIBLE ACTION TO APPOINT AN ACTING CITY MANAGER? AND THE COUNCIL HAS BEEN IN EXECUTIVE SESSION TO DISCUSS THIS ITEM, AND INTERVIEWED THE DEPUTY CITY MANAGER, TOBY FUTRELL. AND IF THE COUNCIL IS READY, BECAUSE THIS ONE DOES NOT HAVE A PHYSICAL NOTE ATTACHED TO IT, THE WAY IT WOULD WORK IS THAT MS. FUTRELL WOULD BE - - UNDER THIS SCENARIO WOULD BE APPOINTED ACTING CITY MANAGER..... MANAGER/DESIGNEE, SO SHE WOULD NOT ASSUME THE POSITION OF CITY MANAGER UNTIL MAY THE 1ST, WHICH IS THE DAY AFTER THE CITY MANAGER TERMINATES HIS TERM. SO IF THE MOTION -- A MOTION IS IN ORDER, SO I'LL ENTERTAIN ONE AT THIS TIME. COUNCILMEMBERS?

SLUSHER: MAYOR, I WOULD MOVE TO APPOINT HIS MUTE TREL FUTTRELL, BUT I WANT TO MAKE A COMMENT.

MAYOR GARCIA: I'LL RECOGNIZE YOU AFTER A GET A SECOND. SECONDED BY THE MAYOR PRO TEM. COUNCILMEMBER SLUSHER?

SLUSHER: THANK YOU, MAYOR. FIRST OF ALL, I'M VERY HAPPY TO HAVE THIS MOTION ON THE TABLE. I'VE REALLY ENJOYED WORKING WITH THE CITY MANAGER JESUS GARZA AND SORRY TO SEE HIM LEAVE, BUT I THINK HE'LL CONTINUE

DOING A GREAT JOB FOR THE COMMUNITY AND THE REGION AT THE LCRA. I WANT TO -- AND I KNOW IT'S SENSITIVE ALWAYS TO DISCUSS PERSONNEL ISSUES AT ALL IN PUBLIC, BUT I DO WANT TO TALK A LITTLE BIT BECAUSE THIS IS.. IS -- THE WAY THIS IS POSTED IS TO MAKE MS. FUTTRELL THE ACTING CITY MANAGER. AND I'M OKAY WITH THAT, BUT I WANT TO MAKE IT CLEAR THAT I WOULD BE WILLING TO MAKE HER THE CITY MANAGER, PERIOD, TODAY. I CAN'T THINK OF ANYONE THAT IS BETTER QUALIFIED AND BETTER POSITIONED TO HOLD THIS JOB. I REALLY BELIEVE STRONGLY IN HIRING FROM WITHIN WHENEVER THAT'S POSSIBLE, WHENEVER THE SITUATION MAKES SENSE. AND I'VE NEVER SEEN A SITUATION, I DON'T BELIEVE, WHERE IT MAKES MORE SENSE THAN TO HIRE FROM WITHIN. MS. FUTTRELL HAS WORKED HER WAY UP THROUGH THIS ORGANIZATION TO -- IF THIS MOTION PASSES TO THE VERY TOP, AT LEAST ON AN ACTING BASIS. LIKE I SAID, SHE'S HELD POSITIONS IN A NUMBER OF LEVELS IN THE CITY OF AUSTIN GOVERNMENT. SHE'S BEEN ASSISTANT CITY MANAGER WITH RESPONSIBILITY OVER JUST ABOUT EVERY DEPARTMENT IN THE CITY AND SHE'S BEEN DEPUTY CITY MANAGER WITH A SIMILAR OR EVEN LARGER RESPONSIBILITY. SO I KNOW THERE'S SOME DISCUSSION -- WELL, LET ME TALK A LITTLE -- BEFORE I GO INTO THIS OTHER THING. I HOPE I DON'T EMBARRASS YOU TOO BAD BY ASKING HER IF I CAN TELL THIS STORY. AND THIS IS WHY I THINK ILLUSTRATES THE REASON WHY MS. FUTTRELL WILL BE SUCH A GOOD CITY MANAGER. AND I HOPE I DON'T EMBARRASS HER TOO BAD. BUT SHE IS CONSISTENT OF AN EXAMPLE OF A HANDS ON, I GUESS YOU COULD CALL IT HANDS ON MANAGEMENT THAT SHE DOES THAT SHE WAS CONCERNED AND OTHER PEOPLE HAD RAISED CONCERNS ABOUT SPEED HUMPS -- THE SPEED HUMPS THAT WE HAVE HERE IN THE CITY, THAT

THEY WOULD BE DAMAGING OR VERY UNCOMFORTABLE TO EMS PATIENTS THAT WERE ON A GURNEY AND MOVING DOWN THE STREET IN AN AMBULANCE. SO THE WAY MS. FUTTRELL APPROACHED THIS PROBLEM WAS TO HAVE HERSELF STRAPPED TO A GURNEY AND BE DRIVEN OVER EVER SINGLE KIND OF SPEED HUMP APPEARED TRAFFIC CALMING DEVICE THAT THERE IS IN THE CITY. AND AS A RESULT OF THAT WE GOT THE FLATTENED OUT SPEED HUMPS THAT ARE LESS DANGEROUS TO PEOPLE IN THIS SITUATION. AND I DON'T THINK IT WAS JESUS WHO ASSIGNED OR MADE HER DO THAT. I THINK SHE VOLUNTEERED. [LAUGHTER].

NO, I DID NOT. [LAUGHTER].

SLUSHER: SO ANYWAY, I JUST WANTED TO TELL THAT, BECAUSE I THINK IT -- I'VE TOLD THAT TO A FEW FRIEND AND THAT REALLY CLEARLY ILLUSTRATES HER COMMITMENT TO PUBLIC SERVICE AND TO TRYING TO UNDERSTAND WHAT OUR CITIZENS IN THE VERYIOUS PREDICKMENTS MIGHT FIND THEMSELVES IN AND HOW IT MIGHT AFFECT THEM WHEN THEY HAVE TO DEAL WITH THE SERVICES OF THE CITY GOVERNMENT.

[ONE MOMENT, PLEASE, WHILE CAPTIONERS CHANGE]

SLUSHER: ... NOW IT'S JANUARY 31ST, WE ARE JUST NOW HIRING THE INTERIM CITY MANAGER, BUT SHE WON'T TAKE OFFICE OR TAKE THE POST OFFICIALLY UNTIL MAY FIRST. SO THAT'S -- THAT'S QUITE A GAP AND -- AT A TIME OF REAL SERIOUS FINANCIAL CHALLENGE TO THE CITY, WHEN WE'VE HAD SOME OTHER TOP PEOPLE IN THE CITY LEAVING, THE CITY ATTORNEY, THE DIRECTOR OF AUSTIN ENERGY, THERE'S A POSSIBILITY THAT -- MAYBE THAT OTHERS

MIGHT LEAVE. SO THERE'S EVEN THE POSSIBILITY SOME COUNCILMEMBERS MIGHT LEAVE, ALTHOUGH I DON'T THINK THAT NECESSARILY TROUBLES PEOPLE AS MUCH AS THE MANAGEMENT. SO IF WE ARE WAITING UNTIL MAY ALREADY, THAT'S FOUR MONTHS. AND THEN WE ARE GOING TO HAVE AN INTERIM PERIOD OF -- WE DON'T KNOW HOW LONG, ACCORDING TO THE WAY WE ARE DOING IT TODAY AND THEN IF WE WERE DOING A NATIONAL SEARCH, THAT'S ANOTHER FOUR TO SIX MONTHS, SO THEN YOU ARE UP INTO SEPTEMBER OR NOVEMBER, AND THEN YOU WOULD BE ALMOST A YEAR WITHOUT SOMEONE THAT A -- THAT HAS A PERMANENT JOB OR TITLE OF CITY MANAGER, RATHER THAN ACTING CITY MANAGER. SO I WOULD BE READY TO MOVE FORWARD TODAY AS WE ARE ONLY DOING ACTING TODAY. BUT I HOPE WE CAN REALLY GET THIS RESOLVED THING. I LOOK FORWARD TO MS. FUTRELL, I THINK THE CITY IS REALLY GOING TO BE PLEASED TO SEE HER IN THE TOP POSITION.

MAYOR GARCIA: THANK YOU, COUNCILMEMBER. I THINK THAT I INDICATED TO YOU ALL THAT -- THAT -- THAT AT ANY TIME BETWEEN NOW AND APRIL 30TH, IF THE COUPLE SO CHOOSES, WE CAN PUT AN ITEM ON THE AGENDA TO DO WHAT IT IS THAT YOU WANT TO DO. DOES ANYBODY ELSE WANT TO SPEAK ON THIS ISSUE?

GOODMAN: YES, MAYOR, BRIEFLY.

MAYOR GARCIA: MAYOR PRO TEM?

GOODMAN: LET ME SAY I AGREE WITH VIRTUALLY EVERYTHING COUNCILMEMBER SLUSHER SAID. I COULD TELL YOU SOME STORIES ABOUT TOBY AS WELL, WHICH I WILL NOT DO. OUT OF

DEFERENCE, BUT I THINK IT'S AN INDICATOR OF HER PROBLEM SOLVING ABILITIES AND I THINK SHE HAS BEEN A DEFINITE ASSET TO THE CITY OF AUSTIN FOR MANY YEARS AND I WOULD LIKE TO HAVE HER AT THE TOP OF THE TICKET.

MAYOR GARCIA: WELL, WHEN I CAME TO THE COUNCIL IN -- SHE WAS AN ASSISTANT CITY AUDITOR. THAT WAS THE FIRST TOO MANY I SAW TOBY FUTRELL. SHE IMPRESSED ME THEN. SHE STILL IMPRESSES ME TODAY. WHY DON'T YOU COME OUT, EVERYBODY CAN SEE YOU STANDING BY THE MIC BEFORE WE VOTE. [LAUGHTER]. DO YOU WANT TO WAIT --

I PROMISE THAT I WON'T STRAP MYSELF TO ANYTHING WHILE I'M UP HERE. [LAUGHTER].

OKAY.

MAYOR GARCIA: THERE'S A MOTION AND A SECOND. FURTHER DISCUSSION? ALL IN FAVOR, SIGNIFY BY SAYING AYE.

AYE.

MAYOR GARCIA: OPPOSED, NO. MOTION CARRIES. CONGRATULATIONS. [APPLAUSE] OKAY. WE ARE NOW AT A TIME CERTAIN FOR THE MUSIC. DO WE HAVE ANY PROCLAMATIONS? OKAY. SO THE MUSICIAN IS READY? OKAY, MAYOR PRO TEM CAN YOU HANDLE THE PROCS? I APPRECIATE IT. WE ARE GOING TO BE IN RECESS WHILE WE COULD THE -- DO THE MUSIC PORTION AND WE WILL BE BACK -- WE WILL BE BACK HOPEFULLY AS SOON AS WE -- WE CAN GET THIS PORTION OF THE MEETING

COMPLETED.

TO START OUT THIS PORTION OF THE MEETING WE ALWAYS HAVE GOOD MUSIC ON HAND FROM SOME OF AUSTIN'S BEST. TODAY WE WOULD LIKE TO MAKE SURE THAT YOU KNOW THIS WOMAN'S NAME IS CAROLYN HERRING, SHE IS INDEED ONE OF OUR BEST. AMERICAN FOLK MUSIC HAS A HAUNTINGLY BEAUTIFUL NEW VOICE. CAROLINE HERRING IS A REMARKABLE NEW ARTIST THAT TRANSCENDS THE BOUNDARIES BETWEEN FOLK, CLASSIC COUNTRY AND BLUE GRASS MUSIC. CAR LINE BEGAN HER MUSICAL JOURNEY IN HER NATIVE STATE OF MISSISSIPPI, WE ARE GLAD SHE DOESN'T STAY THERE BUT CAME OVER HERE, SHE COMPLETED HER GRADUATE DEGREE IN SOUTHERN STUDIES AT THE UNIVERSITY OF MISSISSIPPI AND THEN MOVED TO AUSTIN TO PURSUE HER MUSIC. SHE WAS LURED TO AUSTIN BY OUR CITY'S LEGENDARY MUSIC SCENE. ONCE SETTLED IN AUSTIN, SHE TOOK THE JOB OF PROGRAM DIRECTOR AT THE TEXAS FOLK LIFE RESOURCE CENTER. AND IS NOW MAKING TIME TO WRITE, RECORD, AND PERFORM AS MUCH AS POSSIBLE. SO IT IS WITH GREAT PLEASURE THAT WE READ THE PROCLAMATION AND WELCOME CAROLINE HERRING TODAY. THE PROCLAMATION IS TO LET IT BE KNOWN THAT WHEREAS THE LOCAL MUSIC COMMUNITY MAKES MANY CONTRIBUTIONS TOWARD THE DEVELOPMENT OF AUSTIN'S SOCIAL, ECONOMIC AND CULTURAL DIVERSITY, AND WHEREAS THE DEDICATED EFFORTS OF ARTISTS FURTHER AUSTIN'S STATUS AT THE LIVE MUSIC CAPITOL OF THE WORD, NOW THEREFORE GUS GARCIA, MAYOR OF THE CITY OF AUSTIN, TEXAS DOES HERE BY PROCLAIM JANUARY THE 31ST IN THE YEAR 2002 AS CAROLINE HERRING DAY IN AUSTIN. AND IN WITNESS THEREOF, HAS SIGNED AND HAS SEALED THIS PROCLAMATION FROM US FROM THE CITY OF AUSTIN, WE WELCOME YOU AND LOOK FORWARD TO HEARING

YOUR WONDERFUL MUSIC. THANK YOU. [APPLAUSE] [(music) MUSIC PLAYING (music)(music)]

(music) I WENT UP TO THE MOUNTAIN, AND I CAME BACK A WISE WOMAN. I WENT TO THE RIVER AND COME BACK WISER STILL.
(music)(music) (music) ONLY TO SEE YOU ARE AS DEAR TO ME AS THE AIR I BREATHE, WON'T YOU MEET AT THAT ON THE HILL. I STUFFED YOUR MATTRESS, WE'VE YOUR SHEETS, PATCHED YOUR BLANKET, PIECE BY PIECE. IF THE LORD HAD GRANTED ME A CHOICE, I WOULD HAVE HELD UP MY END. I HAD 10 CHILDREN AND WATCHED FOUR DIE, I STAND BESIDE YOU WHEN YOU WENT TO THE PROMISE LAND. BECAUSE I WENT UP TO THE MOUNTAIN AND I CAME BACK A WISE WOMAN. WENT TO THE RIVER AND CAME BACK WISER STILL (music)(music) (music) ONLY TO SEE YOU ARE AS DEAR TO ME AS THE AIR I BREATHE, WON'T YOU MEET ME AT THAT MANSION ON THE HILL. (music)(music)

DANCE TO THE FIDDLE ON A SATURDAY NIGHT AND CHOP THE COTTON BEFORE DAYLIGHT, SUN DON'T GO DOWN ON THE POOR MAN'S ROSE. BUT MY LOVE FOR YOU DON'T MEET DAWN, I PROMISE I'LL CARRY ON. SINGING PRECIOUS MEMORIES AS I PLANT ALONG THE ROAD. BECAUSE I WENT UP TO THE MOUNTAIN AND I CAME BACK A WISE WOMAN. I WENT TO THE RIVER AND CAME BACK WISER STILL. (music)(music) ONLY TO SEE, YOU ARE AS DEAR TO ME AS THE AIR I BREATHE. WON'T YOU MEET ME AT THAT MANSION ON THE HILL. (music)(music) WON'T YOU MEET AT THAT MANSION ON THE HILL. (music)(music) WON'T YOU MEET AT THE MANSION ON THE HILL. (music)(music) (GUITAR) [APPLAUSE]

THANK YOU VERY MUCH.

GOODMAN: OKAY, IF WE WANT TO HEAR YOU IN A LITTLE MORE TYPICAL SURROUNDING, WHERE WOULD WE GO.

WELL, I PLAY EVERY THURSDAY AT 6:30 AT STUB'S BARBECUE FOR A WEEKLY HAPPY HOUR, PLEASE COME FOR THAT ONE. I'M PLAYING THIS SATURDAY FEBRUARY 2ND AT FLIPNOTICS. SUNDAY THE THIRD COMPETING WITH THE SUPER BULL AT CENTRAL MARKET. HOPEFULLY ALL OF THOSE PLACES IN THE MONTHS TO COME AGAIN.

GOODMAN: THANK YOU VERY MUCH.

THANK YOU. [APPLAUSE]

GOODMAN: LET ME ASK IF I COULD, COUNCILMEMBER THOMAS? MAY I ASK COUNCILMEMBER THOMAS TO JOIN US.

[ONE MOMENT PLEASE FOR CHANGE IN CAPTIONERS]

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THANK YOU. [APPLAUSE]

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[ONE MOMENT PLEASE FOR CHANGE IN
CAPTIONERS]

TOM, BE IT KNOWN WHEREAS THAT THE CITY OF AUSTIN WAS SELECTED BY THE CYCLING MAGAZINE AS ONE OF THE TWO OF ITS 10 BEST CYCLING TRAINS. AND THE POPULATION RANGE, WHERE AS THE MAGAZINE CREDITS AUSTIN AS HAVING MANY CYCLING ORGANIZATIONS FOR THEIR EFFORTS IN KEEPING OUR CITY'S CYCLING FRIENDLY, ALONG WITH THE TERRAIN AND MORE THAN 100 MILES OF BIKE LANES AS CONTRIBUTING FACTORS IN AUSTIN. WHEREAS THE MAGAZINE ALSO NOTED THAT THREE TIMES TOUR DE FRANCE WINNER LANCE ARMSTRONG CALLS AUSTIN HOME. THAT HIS RIDE FOR THE ROSES IS HERE, HELD HERE AND THAT THE U.S. POSTAL TEAM OFTEN TRAINS HERE AS PLAYING A ROLE IN A POPULAR CYCLING IN AUSTIN AS WELL. HOW THEREFORE I, GUS GARCIA, MAYOR OF THE CITY OF AUSTIN, DO HERE BY PROCLAIM FEBRUARY THE 1ST THROUGH THE EIGHTH, 2002 AS CYCLING WEEK. AND IT IS SIGNED BY OUR MAYOR, GUS GARCIA. [APPLAUSE].

THANK YOU, COUNCILMEMBER THOMAS, AND MAYOR GARCIA. I'M LINDA PRIEST, BICYCLE COORDINATOR FOR THE CITY OF AUSTIN. AND I WOULD LIKE TO INTRODUCE THE MEMBERS OF THE CYCLING COMMUNITY THAT REALLY SHOULD BE RECEIVING THIS RECOGNITION FOR AUSTIN'S VERY FORTUNATE TO HAVE THE SUPPORT FROM THE COUNCIL AND PAST COUNCILS IN TRYING TO CREATE A BETTER CYCLING ENVIRONMENT IN AUSTIN BOTH AS A TRANSPORTATION MODE AND AS A HEALTH AND FITNESS AND RECREATION MODE. BUT IT'S REALLY THE CITIZENS AND THE CYCLING GROUPS THAT HAVE HELPED BRING

THAT ABOUT. SO I'D LIKE TO START WITH -- THIS IS STANTON TRUXELLO, WHICH IS THE PRESIDENT OF THE AUSTIN BICYCLING ASSOCIATION.

ACTUALLY, VICE-PRESIDENT FOR STILL ANOTHER MONTH, BUT PRESIDENT TO BE, WE HOPE. I AM RELATIVELY NEW TO AUSTIN. I MOVED HERE ABOUT TWO YEARS AGO, BUT THE FIRST TIME I HAD OCCASION TO COME ACROSS DOWNTOWN ON SIXTH STREET IN 5:00 O'CLOCK TRAFFIC ON A BICYCLE AND NOBODY BLEW A HORN, NOBODY TRIED TO SQUEEZE ME OFF THE ROAD AND I WAS JUST PART OF THE TRAFFIC MIX AND I DECIDED I WAS HOME. SO I DON'T INTEND TO EVER LEAVE. I FIGURE I'M GOING TO ON -- I'M GOING TO DIE HERE. [APPLAUSE].

THIS IS -- WE RECEIVED THIS PLAQUE FROM BICYCLING MAGAZINE. IT SAYS BICYCLING MAGAZINE'S 200110 BEST CYCLING CITIES, AUSTIN, TEXAS. WE ALSO WERE ON THIS LIST IN 1999. AND ANOTHER NOTE IS THAT BETWEEN -- WITH CITIES OF POPULATION FROM 500,000 TO A MILLION WE'RE ACTUALLY NUMBER TWO IN THE WHOLE COUNTRY BEHIND SEATTLE, SO WE'RE DOING VERY WELL. [APPLAUSE]. AND ONE OF THE CLOSET THINGS ABOUT THIS AWARD IS THAT THIS MAGAZINE HAS ABOUT 1.8 MILLION READERS WORLDWIDE. THE NEXT PERSON THAT I WOULD LIKE TO RECOGNIZE IS TOMMY EDEN, WHO IS WITH -- ATTENDS JUST ABOUT EVER COUNCIL AND CAMPO AND PUBLIC MEETING THERE IS THAT HAS TO DO WITH TRANSPORTATION. HE'S A TIRELESS WORKER, SPEAKER, LETTER WRITER, PAIN IN THE NECK KIND OF PERSON. BUT HE'S REALLY DONE A LOT FOR THE CITY. THIS IS TOMMY EDEN.

THANK YOU. ONE OF THE THINGS THAT BICYCLING MAGAZINE MENTIONED IS THAT THE

CITY NOW HAS 20 MILLION DOLLARS AVAILABLE IN BOND MONEY. WE CAN USE THAT TO PUT IN SOME REALLY FANTASTIC BIKE WAYS AND PEDESTRIAN FACILITIES. IN ADDITION, I'M REALLY LOOKING FORWARD TO SEEING THAT LANCE ARMSTRONG BIKE WAY OPEN UP. THANK YOU. [APPLAUSE].

AND THE LANCE ARMSTRONG BIKEWAY IS A SIX-MILE ROUTE THAT IS GOING TO JOIN EAST AUSTIN TO WEST AUSTIN THROUGH DOWNTOWN. AND IT'S ONLY A POSSIBILITY DUE TO THE HARD WORK OF SEVERAL MEMBERS OF THE COMMUNITY, THE FRIENDS OF THE LANCE ARMSTRONG BIKE LANE AND TO HELP THEM IS CRAIG MATZO.

HELLO, I'M HERE ON BEHALF OF THE FRIENDS OF LANCE ARMSTRONG CROSS TOWN BIKEWAY. AND I WISH THAT THE OTHERS COULD ALSO BE HERE TO ENJOY THIS MOMENT, BECAUSE THEY PUT IN TIRELESS HOURS FOR THE DEVELOPMENT OF IT IN THE INITIAL BEGINNINGS OF THE BIKEWAY. AND I'M JUST GLAD TO BE A MEMBER OF THE BIKING COMMUNITY AND I ENCOURAGE EVERYBODY TO RIDE THEIR BIKE WHENEVER THEY CAN. [APPLAUSE].

AND FINALLY, OUR MOUNTAIN BIKING SCENE, RECREATIONAL CYCLING SCENE OUT IN THE GREENBELT AND THE NATURAL AREAS AROUND AUSTIN THAT ARE JUST BEAUTIFUL IS ONE OF THE BEST IN THE COUNTRY AND TO THAT WE OWE THE VOLUNTEER WORK OF THE AUSTIN RIDGE RIDERS MOUNTAIN BIKE CLUB AND THE PRESIDENT OF THAT ORGANIZATION IS BRITT JONES.

THANK YOU. THANK YOU, MAYOR GARCIA I CAN'T. I'M REALLY HONORED TO BE HERE. THANK

YOU VERY MUCH FOR THIS PROCLAMATION. AND LIKE EVERYONE HAS SAID, WE REALLY CAN'T DO IT WITHOUT THE CITIZENS AND OF COURSE THE VOLUNTEER EFFORT THAT GO INTO ALL THE WORK THAT GOES INTO BOTH ROADWAYS AND BIKEWAYS AND TRAILS THROUGHOUT AUSTIN THAT KEEPS A LOT OF US HERE, BRINGS A LOT OF OTHER PEOPLE TO THIS CITY. AND I THINK THROUGH THE CONTINUED EFFORTS THE CYCLING COMMUNITY AND THE CITY OF AUSTIN, OF COURSE, THAT WE CAN ONLY IMPROVE THE QUALITY AND THE QUANTITY OF ALL THE TRAYS AND BIKEWAYS IN AUSTIN. THANK YOU AGAIN. [APPLAUSE]. CLR CLER.

GRIFFITH: PLEASE COME UP, OUR VERY SPECIAL GUEST, OUR INTERNATIONAL REPRESENTATIVE TONIGHT FROM OYIETA JAPAN. THE MAYOR PROUDLY CONFIRMS THE TITLE OF HONORARY CITIZEN ON YOU, ON THIS THE 31ST DAY OF JANUARY, 2002, AND IT'S SIGNED BY OUR MAYOR, GUS GARCIA. AND WELCOME AND THANK YOU AND WE LOOK FORWARD TO MUCH IMPROVED RELATIONS WITH YOUR FAIR CITY. [APPLAUSE].

IT IS AN HONOR TO BE INVITED TO THIS CEREMONY, AND I AM DEEPLY GRATEFUL FOR -- [INAUDIBLE]. WE HOPE TO DEEPEN OUR FRIENDSHIP AND RELATIONSHIP WITH YOUR CITY AND TO FURTHER ENHANCE COOPERATION FOR MUTUAL BENEFITS IN THE AREA OF ECONOMY, CULTURE AND THE HUMAN ASSOCIATIONS. OUR VERY BEST WISHES FOR THE CONTINUED PROSPERITY OF YOUR CITY. THANK YOU VERY MUCH. [APPLAUSE].

I'M KAMILLE DONAHUE, I'M THE SISTER CITY COORDINATOR FOR THE CITY OF AUSTIN. I WANT TO THANK ALL THE OFFICIALS WHO TOOK TIME OUT OF THEIR BUSY SCHEDULES TO VISIT WITH

US AND FOR THE THE SISTER CITY ORGANIZATION, OF WHICH HE IS THE VICE-PRESIDENT AND WE HAVE A FEW GIFTS FOR HIM. WE HAVE A LAPEL PIN WITH THE CITY OF AUSTIN SEAL AND A LITTLE SOUVENIR WITH THE CITY OF AUSTIN LOGO. [APPLAUSE].

MAYOR GARCIA: THE NEXT PROCLAMATION IS GOING TO BE PRESENTED BY COUNCILMEMBER WILL WIN. -- WILL WYNN.

WYNN: GOOD EVENING. RECENTLY WE WERE APPROACHED BY MR. GLEN LOONEY OF THE LOCAL CHAPTER OF THE NAVY LEAGUE AND INFORMED US THAT THE USS AUSTIN, OUR NAME SAKE SHIP IN THE UNITED STATES NAVY, WILL SOON BE RECOMMISSIONED INTO THE WAR ZONE. AND THERE'S 380 MEN AND WOMEN IN UNIFORM ON THE USS AUSTIN. AND AS A TOKEN OF OUR APPRECIATION AS A CITY FOR THEM AND FOR THE SHIP, WE'RE GOING TO SEND THEM A FLAG OF THE CITY OF AUSTIN. THEY ALREADY FLY A TEXAS FLAG ON THEIR YARD ARM AND IT WILL NOW BE JOINED BY A CITY OF AUSTIN FLAG. BEFORE I PRESENT THE FLAG, I WOULD LIKE TO HAVE MR. GLEN LOONEY FROM THE NAVY LEAGUE SAY A FEW WORDS ABOUT HIS ORGANIZATION AND INTRODUCE HIS COLLEAGUES. MR. LOONEY? [APPLAUSE].

THANK YOU, COUNCILMEMBER WYNN. WITH ME TODAY IS CAPTAIN GENE GARRETT WHO IS THE COMMANDING OFFICER OF THE NAVY ROTC UNIT AT THE UNIVERSITY OF TEXAS. AND HE WILL REPRESENT THE U.S. NAVY AND THE USS AUSTIN TODAY. ALSO WITH ME ARE TOM LASSTER, IMMEDIATE PAST PRESIDENT OF THE GREATER CENTRAL TEXAS COUNCIL OF THE NAVY LEAGUE HERE IN AUSTIN. AND PHIL DARBY, WHO IS ALSO A PAST PRESIDENT. TROY RIDER IS WITH US AND HE'S OUR CURRENT SECRETARY. A LITTLE BIT

ABOUT THE GREAT CENTRAL TEXAS COUNCIL OF THE NAVY LEAGUE. WE'RE ONE OF 330 COUNCILS AROUND THE WORLD, OVER 300,000 MEMBERS. WE HAVE -- AND THE NAVY LEAGUE IS A BIT OF A MS. NOEMER, WE ENCOMPASS ACTUALLY ALL THE OF THE SEA SERVICES, THE NAVY, THE COAST GUARD, THE MARINE CORPS AND THE FLAG MERCHANT MARINE. AND OUR PURPOSE IS WE'RE A NONPROFIT CIVILIAN ORGANIZATION. I THINK EVERYBODY THINKS THAT YOU HAVE TO HAVE BEEN IN THE NAVY OR SOME OTHER SERVICE TO BE A MEMBER OF OUR ORGANIZATION, AND THAT'S NOT TRUE. WE'RE A CIVILIAN ORGANIZATION OPEN TO ANYONE. OUR FOUR-FOLD MISSION IS FIRST OF ALL TO EDUCATE THE PUBLIC AND PUBLIC OFFICIALS ABOUT THE IMPORTANCE OF SEA POWER TO OUR NATION'S ECONOMY AND ITS SECURITY. AND I THINK THAT'S SELF-EVIDENT SINCE SEPTEMBER 11TH. WE ALSO SUPPORT SEA SERVICE ORGANIZATIONS, SHIPS, SQUADRONS AND SHORE ESTABLISHMENT AND SEA SERVICE PERSONNEL. AND FINALLY WE SUPPORT YOUTH PROGRAMS. AND HERE IN AUSTIN WE SUPPORT THE WILLIAM B. TRAVIS DW DIVISION OF THE CADET CORPS, A GROUP FOR YOUNG MEN AND WOMEN BETWEEN THE AGES OF 11 AND 17. AND WE TEACH THEM BASIC SEA MAN SHIP AND NAVAL SKILLS, BEAUTY, HONOR, COUNTRY AND RESPONSIBILITY AND GIVE THEM A HEAD START ON BEING A GOOD MEMBER OF THE NAVAL SERVICE OR THE MARINE CORPS IF THEY SO CHOOSE TO BE. UNDER THE HEADING OF SUPPORTING THE SEA SERVICES THEMSELVES, WE HAVE ADOPTED FOR MANY YEARS THE USS AUSTIN. AND I THINK MANY PEOPLE MAY NOT REALIZE THAT THERE IS A USS AUSTIN, BUT IT'S BEEN AROUND SINCE 1965 AND IN FACT IT IS THE OLDEST ACTIVE DUTY SHIP IN THE UNITED STATES NAVY WITH THE EXCEPTION OF OLD IRON SIDES, THE USS CONSTITUTION, THE WOODEN SAILING SHIP UP AT CHARLES TON

HARBOR IN MASSACHUSETTS. SO SHE'S BEEN AROUND AWHILE AND SHE'S DONE A LOT OF THINGS SINCE 1965. SHE'S BEEN INVOLVED IN A GREAT MANY OF THE INTERNATIONAL INCIDENTS IN THE MEDITERRANEAN AND CARIBBEAN. SHE WAS A RECOVERY VES HE WILL FOR THREE OF THE APOLLO LANDINGS AND HAS BEEN INVOLVED IN A NUMBER OF THE RECOVERY OPERATIONS OF UNFORTUNATELY THE DOWNED AIRLINERS OFF THE COAST OF NEW YORK AND LONG ISLAND IN THE PAST FEW YEARS. SHE'S JUST COME OUT OF THE SHIPYARD, UNDERGONE REFRESHER TRAINING AND SHE'LL BE HEADED FOR THE MIDDLE EAST SOMETIME THIS SPRING. WE CONTACTED THE USS AUSTIN JUST BEFORE CHRISTMAS TO SEE WHAT WE COULD DO FOR THEM. WE DO SOMETHING FOR THEM EVERY YEAR. USUALLY IN THE FORM OF RECREATION EQUIPMENT OR TV SETS, SOMETHING LIKE THAT. THEY SAID THEY WOULD LIKE SOME COOKIES AND CAKES FOR CHRISTMAS AND WE ARRANGED TO HAVE SOME OF THAT SHIPPED OUT TO THEM, BUT UNFORTUNATELY THE ANTHRAX SECURITY PROCEDURES INTERCEPTED MOST OF IT AND SENT IT BACK TO US. BUT THE CAPTAIN -- BY THE WAY, THE CAPTAIN'S NAME IS COMMANDER RICH KALA IN. HE'S A FINE GENTLEMAN. HE SAID IS THERE ANY CHANCE WE COULD GET A CITY OF AUSTIN FLAG. AND THOUGHT IT WAS A GREAT IDEA. AND I SENT AN E-MAIL TO THE CITY COUNCIL AND COUNCILMEMBER WYNN AND WE THANK HIM VERY MUCH FOR RESPONDING AND I'M SURE WITH THE SUPPORT OF THE REST OF THE CITY COUNCIL AND THE MAYOR, THEY HAVE COME UP WITH A FLAG TO TAKE OUT TO THE USS AUSTIN WHO WILL BE CELEBRATING HER 37TH ANNIVERSARY OF HER COMMISSIONING ON MARCH THE FIRST. AND I THINK THAT THE CAPTAIN INTENDS TO HOIST THE FLAG ON THAT DATE AT THAT CEREMONY. AND WE'RE VERY PROUD TO BE ABLE TO ACCEPT THIS FLAG ON BEHALF OF THE USS AUSTIN. AND I KNOW THAT

THE CREW AND THE OFFICERS OF THE AUSTIN WILL VIEW IT AS A SYMBOL OF THE SUPPORT AND PRIDE THAT THE CITY OF AUSTIN HAS IN ITS NAME SAKE SHIP AS THEY GO IN HARM'S WAY. MR. WYNN, THANK YOU. [APPLAUSE].

WYNN: WITH THAT, CAPTAIN, IF YOU WILL HELP ME, WE WILL -- SADLY, VERY INFORMALLY, UNFURL THE FLAG.

[INAUDIBLE].

[APPLAUSE].

WYNN: IN ADDITION TO THE FLAG, WE ALSO HAVE A CITY PROCLAMATION THAT FRANKLY, I WON'T BOTHER READING, THEY'RE TOO LENGTHY, BUT THIS IS FOR THE MARCH FIRST CELEBRATION OF THE USS AUSTIN AND IT WAS SIGNED BY MAYOR GUS GARCIA AND IT WILL BE PRESENTED TO CAPTAIN COLANA THERE IN THE EAST COAST.

WYNN: HERE'S A PHOTO OF THE USS AUSTIN. I'M NOT SURE WHERE OUR CAMERA IS. THERE? DO YOU WANT TO ZOOM IN OR NOT? THERE HAVE A CREW OF ABOUT 380 MEN AND WOMEN. THANK YOU ALL VERY MUCH.

[APPLAUSE].

MAYOR GARCIA: THERE BEING A QUORUM OF THE COUNCIL IN THE CHAMBERS, I WANT TO CALL THIS MEETING BACK TO ORDER. AND JUST SO YOU ALL GET AN IDEA OF HOW WE'RE GOING TO DO THIS, ITEM NO. 66 IS A VERY BRIEF REPORT ON THE WORK THAT COUNCILMEMBER WILL WYNN DID ON THE ANNUALIZING THE PROPOSAL

ON THE DALLAS COWBOYS. WE'LL TAKE THAT FIRST AND THEN WE'LL GO TO ITEM 33, THE RESOLUTION AUTHORIZING EXECUTION OF AN AMENDMENT FOR THE BRACKENRIDGE HOSPITAL LEASE AGREEMENT, WHICH I HAVE PULLED. SO COUNCILMEMBER WYNN?

WYNN: THANK YOU, MAYOR.

MAYOR GARCIA: YOU ALREADY LIKE STANDING UP THERE?

WYNN: THAT'S RIGHT. MY LIFE AFTER COUNCIL. I ALREADY SEE IT. FIRST I WANT TO THANK THE MAYOR FOR OFFERING ME THIS OPPORTUNITY. NEXT TIME AROUND I PROMISE TO NOT PULL SOME OF YOUR ITEMS OFF THE CONSENT AGENDA. AS MOST OF YOU ALL KNOW, TWO MONTHS OR SO AGO, THE DALLAS COWBOYS PRESENTED TO THE CITY OF AUSTIN IN THE FORM OF A LETTER TO MAYOR GARCIA A PROPOSAL FOR THEM TO BRING THE TRAINING CAMP BACK TO AUSTIN FOR A TWO-WEEK PERIOD EACH SUMMER. ESSENTIALLY THE PROPOSAL FROM THE COWBOYS HAD THREE ELEMENTS TO IT. ONE, THEY ASKED THAT THE CITY BUILD TWO REGULATION N.F.L. FOOTBALL FIELDS FOR PRACTICE FACILITIES. TWO, THE CITY BUILD A 15,000 SQUARE FOOT FIELD HOUSE. AND THEN THREE, THE CITY COVER THEIR ANNUAL LODGING AND EXPENSES HERE IN THE CITY WHICH THEY ESTIMATE TO BE BETWEEN 300,000 AND 500,000 DOLLARS. SO -- AND THE MAYOR ASKED ME TO TRY TO ANALYZE THAT AND REPORT BACK TO COUNCIL. SO WHAT WE DID IS WITH THE HELP OF CITY STAFF, AN ECONOMIST IN TOWN, MANY COMMUNITY PARTNERS, THE GREATER AUSTIN CHAMBER OF COMMERCE, THE GREATER AUSTIN SPORTS ASSOCIATION AND OTHERS, WE DID A MULTIFACETED ANALYSIS OF IT. FIRST AND

FOREMOST, THE MOST IMPORTANT PIECE WAS THE ECONOMIC IMPACT ANALYSIS OF WHAT IMPACTS COWBOYS TRAINING CAMP FOR TWO WEEKS WOULD HAVE ON OUR LOCAL ECONOMY AND TO THE CITY COFFERS ITSELF. AND PUTTING TOGETHER A VERY OBJECTIVE ANALYSIS OF THAT, IT APPEARS THAT THE TOTAL IMPACTS TO THE LOCAL ECONOMY IS APPROXIMATELY A MILLION DOLLARS. THAT THE IMPACT TO THE CITY COFFERS IS PROBABLY 60 TO 80,000 DOLLARS PER YEAR. KEEP IN MIND THAT REALLY THE ONLY MEASURABLE ECONOMIC IMPACT TO OUR LOCAL ECONOMY WOULD BE FOLKS THAT TRAVEL TO AUSTIN AND SPEND SOME MONEY WHO OTHERWISE WOULDN'T HAVE BEEN IN AUSTIN THAT DAY. SO IT BROKE DOWN TO PEOPLE WHO WOULD COME HERE ON A DAY TRIP FROM A NEIGHBORING CITY AND SPEND A DAY OR SO HERE AND FOLKS THAT WOULD COME AND TRAVEL. AND DO AN ANALYSIS OF THAT, IT'S ESTIMATED THAT ONLY ABOUT 15% OF THE ATTENDEES OF A TRAINING CAMP WOULD ACTUALLY BE OUT OF TOWN GUESTS, SO IN FACT THERE IS RELATIVE ECONOMIC IMPACT. IN ADDITION TO THE ECONOMIC ISSUES PRESENTED BY THE COWBOYS' PROPOSAL IS THERE ARE A LOT OF NON-ECONOMIC LOGISTIC CHALLENGES TO IT. ONE OF WHICH IS FINDING AN APPROPRIATE SITE FOR THE FIELDS, KNOWING THAT THERE NEEDS TO BE LODGING NEARBY, A HOTEL OR DORMITORY SPACE. AND ALSO RECOGNIZING THAT THERE'S GOING TO BE TRAFFIC LOGISTICS, PARKING, ETCETERA. SO EVEN HAD THE ECONOMIC ANALYSIS MADE SENSE FINANCIALLY FOR THE CITY, THERE STILL WOULD HAVE BEEN SOME PRETTY SIGNIFICANT CHALLENGES. AS AN EXAMPLE, THE COWBOYS, WHO HAVE BEEN VERY IMPORTANT WITH US, TOLD US HOW THEY HAD VISITED THEY BELIEVE EVERY MAJOR AND SMALL UNIVERSITY AND COLLEGE IN THE STATE. I THINK THEY WERE UP TO 127 DIFFERENT CAMPUSES AND STILL HADN'T

FOUND THE SITE THAT THEY WANTED. SO THAT TELLS YOU JUST LOGISTICALLY IT'S NOT EASY TO DO EVEN IF THE ECONOMIC IMPACT JUSTIFIED THE EXPENDITURE. LASTLY, I DO WANT TO TALK BRIEFLY ABOUT PARTNERS AND POTENTIAL BENEFICIARIES. THOUGH IT'S SMALL, CLEARLY THERE IS POSITIVE ECONOMIC IMPACT TO THE LOCAL ECONOMY SHOULD THE COWBOYS BE HERE FOR A COUPLE OF WEEKS EACH SUMMER, AND SO THAT SHOULD BE KEPT IN MIND. WE'VE SEEN THAT FRANKLY IT DOESN'T JUSTIFY A SIGNIFICANT SEVEN-FIGURE EXPENDITURE OF TAX DOLLARS, BUT THERE'S A POSITIVE IMPACT. AND SO TO THE EXTENT THAT THE COWBOYS COME HERE WITHOUT TAXPAYER ISSUES, THEN THERE IS POSITIVE IMPACT. AND IF DONE APPROPRIATELY, THERE COULD BE SOME SIGNIFICANT INFLUENCE AND IMPACT TO SOME LOCAL NONPROFIT CHARITIES AS AN EXAMPLE. IF DONE CORRECTLY, ANY NUMBER OF LOCAL BENEFICIARIES COULD ARISE FROM PARTNERING WITH THEIR STAY HERE. THE FACT THAT WE WERE ASKED TO RESPOND, WE BEING THE CITY OF AUSTIN, WERE ASKED TO RESPOND, WAS FRANKLY ONLY BECAUSE OF THE TAX MONEY REQUESTED. THE COWBOYS, OF COURSE, CONTINUE TO TALK TO ANY NUMBER OF REGIONAL PARTNERS, AISD, DEL VALLE AISD AS AN EXAMPLE, HUSTON-TILLOTSON HAS AN OPPORTUNITY, SO THERE'S ANY NUMBER OF PARTNERS WHO THE COWBOYS SHOULD AND PROBABLY ARE IN DISCUSSIONS WITH THAT REALLY DON'T INVOLVE MANY CITY ISSUES. SHOULD ONE OF THOSE COME TO FROM YOU ITION AND THE NON-ECONOMIC LOGISTICS WORK OUT TO WHERE THERE'S AN APPROPRIATE SITE, THERE'S ADJACENT LODGING, THERE'S A GOOD SORT OF COMMUNITY OUTREACH AND PARTNERING WITH LOCAL CHARITIES, THERE'S NO REASON WHY THE CITY WOULDN'T THEN SEE WHAT LOW JIS TICKLE SUPPORT WE COULD OFFER. IN FACT, WE DELAYED THE RESPONSE OF

THE COWBOYS UNTIL TODAY TO GIVE AS MANY OPPORTUNITIES AS POSSIBLE, THE CHANCE TO RISE TO THE TOP AND SEE WHAT COMMUNITY PARTNERS THERE MAY BE WHO WOULD STEP FORWARD, WHETHER CORPORATE SPONSORS OR, YOU KNOW, HOTEL PROPERTIES, ETCETERA, AND THAT HASN'T HAPPENED YET, BUT PERHAPS OVER SOME PERIOD OF TIME IT WILL. SO WITH THAT IN MIND, I BELIEVE THE -- HAVING SAID THAT, I BELIEVE THE SORT OF ECONOMIC IMPACT ANALYSIS IS PRETTY CLEAR TO US AS A COUNCIL AND THE POTENTIAL INVESTMENT. AND UNLESS THERE IS OBJECTION FROM THE COUNCIL, I WILL FORWARD THIS ON TO THE COWBOYS, SHOW THEM WHY WE BELIEVE AT THIS TIME IT'S NOT ECONOMICALLY JUSTIFIABLE. CERTAINLY ENCOURAGE THEM TO REACH OUT TO ANY NUMBER OF POTENTIAL PARTNERS THAT FRANKLY WON'T INVOLVE THE CITY OF AUSTIN UNTIL SUCH TIME AS WE COULD OFFER SOME LO JIS TICK KEL SUPPORT. I'D BE HAPPY TO ANSWER ANY QUESTIONS.

MAYOR GARCIA: QUESTIONS FOR COUNCILMEMBER WYNN. FIRST OF ALL, I WANT TO THANK YOU FOR THE VERY THOROUGH WORK THAT YOU'VE DONE. I THINK YOU'VE EARNED YOURSELF ANOTHER ASSIGNMENT, BUT WE'LL TRY TO GIVE YOU SOME TIME TO RECOVER FROM THE TASK. AND I REALLY APPRECIATE IT. QUESTIONS FROM THE COUNCILMEMBERS? THANK YOU VERY MUCH, COUNCILMEMBER.

WYNN: THANK YOU.

MAYOR GARCIA: AT THIS TIME I'M GOING TO CALL OUT ITEM NUMBER 33, APPROVE A RESOLUTION AUTHORIZING EXECUTION OF AN AMENDMENT TO THE BRACKENRIDGE HOSPITAL LEASE AGREEMENT FOR REVISION RELATED TO A PROVISION OF REPRODUCTIVE SERVICES,

INCLUDING REMOVAL OF THE FIFTH FLOOR FROM THE LEASE AND ADJUSTMENTS IN PAYMENTS AND AN ANCILLARY SERVICES AGREEMENT WITH THE DAUGHTERS OF CHARITY HEALTH SERVICES OF AUSTIN, D/B/A SETON MEDICAL CENTER. AND I GUESS -- .

MAYOR? COUNCIL, YOU HAVE HAD SEVERAL BRIEFINGS FROM THE STAFF ABOUT THE SUBSTANCE OF THE AMENDMENT. YOU'VE HAD THE AMENDMENT ITSELF AS PART OF YOUR BACKUP MATERIAL. TRISH YOUNG IS HERE, SALLY ENLY IS HERE -- HENLEY IS HERE. I KNOW JOHN STEVENS IS SOMEWHERE IN THE BUILDING. HE'S HERE AND WALKING UP. AND I THOUGHT WHAT WE WOULD DO THIS AFTERNOON OR THIS EVENING, RATHER THAN MAKE YET ANOTHER PRESENTATION, BUT THAT WE SIMPLY ADDRESS ANY QUESTIONS THAT THE COUNCIL MIGHT HAVE AND ANY ISSUES THAT YOU MAY WANT TO DISCUSS WITH EITHER THE STAFF OR THE OFFICIALS FROM SETON TO TRY TO ANSWER ANY ADDITIONAL QUESTIONS, BUT WE'VE BEEN DISCUSSING THIS ISSUE SINCE ABOUT JUNE OF LAST YEAR. WE'VE HAD A WIDE RANGING DEBATE ON IT WITH A LOT OF DIFFERENT -- A LOT OF INPUT FROM A VARIETY OF SOURCES. AND WE'RE -- WE RECOMMEND YOUR APPROVAL OF THE AMENDMENT AS IS STATED ON THE AGENDA. AND IT IS PART OF YOUR BACKUP MATERIAL. WE WOULD BE HAPPY TO TRY TO ANSWER ANY QUESTIONS THAT THE COUNCIL MIGHT HAVE WITH RESPECT TO THIS AMENDMENT.

MAYOR GARCIA: THANK YOU, CITY MANAGER. MS. DUNKERLEY AND HENLEY, AND MS. YOUNG, IF YOU COULD JOIN US OVER HERE.

WHY DON'T YOU GUYS TAKE A SEAT UP HERE AT THE FRONT. SO YOU WILL BE READY TO ANSWER

QUESTIONS IF THEY COME UP.

MAYOR GARCIA: THE STAFFS OF THE DIFFERENT COUNCIL OFFICES HAVE BEEN WORKING ON SOME RECOMMENDATIONS FOR THE RESOLUTION. AND AT THE PRESENT TIME WE HAVE TWO RESOLUTIONS. ONE DRAFTED BY MY OFFICE AND THE OTHER ONE DRAFTED BY COUNCILMEMBER GRIFFITH'S OFFICE. AND I DON'T KNOW WHETHER YOU HAVE HAD AN OPPORTUNITY TO LOOK AT THIS, BUT THIS BASICALLY TAKES THE RESOLUTION THAT WAS ORIGINALLY DRAFTED BY STAFF AND THEN TOOK SOME AMENDMENTS WHICH WE'VE DISCUSSED WITH YOU AND INCORPORATED THEM INTO ONE RESOLUTION. AND I THINK OTHER AMENDMENTS WOULD BE MADE AS WE RUN THROUGH THE PROCESS, BUT BASICALLY ALL IT SAYS IS THAT BESIDES APPROVING THE LEASE AMENDMENT, THAT WE WOULD DIRECT THE STAFF TO DO SOME OTHER THINGS. TO ADDRESS LONG-TERM ISSUES. AND THE REQUEST HERE IS THAT STAFF LOOK AT THIS RESOLUTION AND LOOK AND SEE WHAT THINGS ARE ALREADY DONE SO WE DON'T DUPLICATE ANYTHING. AND IN ESSENCE BEGIN THE PROCESS OF IMPLEMENTING THE AMENDMENTS AND ALSO BEGIN THE PROCESS TO LOOK AT WHAT NEEDS TO BE DONE. WITH US ALSO TODAY IS REPRESENTATIVE GLEN MAXEY, WHO HAS DONE SOME WORK -- WELCOME, SIR. WHO HAS DONE SOME WORK ON HOSPITAL DISTRICTS AND COULD COME UP AND ANSWER ANY QUESTIONS THAT THE COUNCIL MAY HAVE. I HAVE -- WE HAVE 11 SPEAKERS. LET ME ASK THAT THE COUNCIL ALLOW ME TO CALL THE SPEAKERS FIRST. AND REQUEST THAT THE SPEAKERS ADDRESS THE ISSUE. SOME SPEAKERS IN THE PAST HAVE TALKED ABOUT THE CATHOLIC CHURCH, AND I WOULD NOT WANT THAT TO BE DISCUSSED HERE. THIS IS NOT ABOUT THE CATHOLIC CHURCH, THIS IS ABOUT A LEASE AMENDMENT. SO IF YOU COULD DIRECT

YOUR COMMENTS TOWARDS THE LEASE AGREEMENT. AND THE ISSUE OF SEPARATION OF CHURCH AND STATE HAS BEEN EXPLAINED TO THE COUNCIL. THE ISSUE OF SEPARATE BUT EQUAL ALSO HAS BEEN DISCUSSED, SO THOSE ISSUES CAN BE ADDRESSED AT THE APPROPRIATE TIME. SO IF IT'S OKAY WITH YOU, COUNCILMEMBERS, DO YOU WANT A PRESENTATION OR SHALL WE CALL THE SPEAKERS? OKAY. ALTHOUGH THE SPEAKERS -- A LOT OF THE PEOPLE WHO HAVE SIGNED UP ARE NOT SPEAKING, BUT I'LL READ THEIR COMMENTS INTO THE RECORD. MARGARET K. AKIN DOES NOT WISH TO SPEAK, BUT IS REGISTERED AGAINST. LONNIE ROBINSON DOES NOT WISH TO SPEAK, BUT IS REGISTERED AGAINST. PATRICIA AKIN DOES NOT WISH TO SPEAK, BUT IS REGISTERED AGAINST. MARY MARTIN DOES NOT WISH TO SPEAK, BUT IT REGISTERED AGAINST. EMILY TYPEL DOES NOT WISH TO SPEAK, IS REGISTERED AGAINST AND SHE HAS A COMMENT THAT I'M GOING TO READ INTO THE RECORD. PROTECT FUNDAMENTAL HEALTH CARE FOR WOMEN. CONTRACEPTION IS BASIC HEALTH CARE FOR WOMEN. SETON WILL PROMOTE THE CATHOLIC CHURCH'S RELIGION ATTEND, AND I SAID I WASN'T GOING DO THAT, BUT THAT'S WHAT SHE WROTE. PROVIDE MEDICAL TREATMENT ON THE BASIS OF SOUND MEDICAL FACT. PAULA MCDERMOTT DOES NOT WISH TO SPEAK, BUT IS REGISTERED AGAINST. AND I'LL READ INTO THE RECORD, PLEASE VOTE NO ON THE CURRENT PROPOSAL. DESPITE ALL THE EFFORT THAT HAS GONE INTO RENEGOTIATING THE CONTRACT WITH SETON, TOO MANY PROBLEMS EXIST WITH THE CURRENT PROPOSAL. THE CITY SHOULD NOT USE LIMITED PUBLIC FUNDS TO FINANCE CHANGES REQUIRED DUE TO SETON'S INCAPABILITY TO COMPLY WITH THE ORIGINAL CONTRACT DUE TO PRIVATE RELIGIOUS DIRECTIVES. AND THE DOLLARS IS NEEDED FOR MANY OTHER PUBLIC HEALTH

CONCERNS. NUMBER TWO, TOO MUCH IS ON GOOD FAITH AND DOES NOT GUARANTEE THE PUBLIC WILL RECEIVE UNDERSTANDABLE QUALITY CARE. NUMBER THREE, NOT ENOUGH INPUT HAS BEEN SOLICITED FROM THOSE MOSTLY WHO HAVE LIMITED HEALTH CARE OPTIONS WHO WILL BE MOST AFFECTED BY THE CHANGES. AND I THINK THAT'S REFERRING TO WOMEN. MR. DAN SULZER WISHES TO SPEAK. WELCOME, SIR. AND AFTER MR. SULZER, THE ONLY OTHER PERSON SIGNED UP TO SPEAK IS DANIEL TURNEY FROM PLANNED PARENT HOOND I'LL CALL YOU AT THE APPROPRIATE TIME. WELCOME, SIR.

I'VE SPOKEN BEFORE AND YOU KNOW WHERE I STAND. I BELIEVE THAT THE ADOPTION OF THIS LEASE AMENDMENT WILL BREAK THE LAW. AND I THINK IT WILL BREAK THE LAW IN VERY FUNDAMENTAL WAYS. I ASKED A QUESTION OF THE BOARD, OF EVERYONE HERE, WHAT IS GOING TO HAPPEN TO CHILDREN UNDER THIS? REGARDLESS OF WHAT WE DO, CHILDREN ARE GOING TO HAVE SEX. WHERE ARE THEY PROVIDED FOR HERE? WHAT HAPPENS WHEN A YOUNG GIRL GOES AND SHE'S PREGNANT OR RAPED, WHAT HAPPENS TO HER? DOES SHE GO IN WITH THE ADULTS? WHAT HAPPENS TO A YOUNG BOY WHO WANTS COUNSELING? DOES HE GO IN WITH THE ADULTS? YOUNG BOYS ARE MORE FRAGILE THAN YOUNG GIRLS IN SOME WAYS, BUT YET THERE'S NO PROVISION FOR THEM. THERE'S NO PROVISION FOR MEN. WHAT HAPPENS TO A MAN WHO MUST HAVE A HOSPITAL IN ORDER TO RECEIVE A VASECTOMY FOR HIS OWN HEALTH GOOD? THERE'S NO PROVISION FOR THIS, NONE WHATSOEVER. YOU HAVEN'T THOUGHT THIS THROUGH. YOU NEED TO PUT THIS OFF, YOU NEED TO THINK OF IT VERY CAREFULLY AND YOU NEED TO CONSIDER ALL OF THE OTHER OPTIONS. SETON IS NOT ABOUT TO BACK OUT OF THIS. THEY'VE SPENT

TOO MUCH MONEY. THEY'RE NOT FOOLS. THEY'RE A LITTLE CRAFTY, BUT THEY'RE NOT FOOLS. THEY'RE NOT GOING TO WASTE EIGHT MILL OR WHATEVER THEY'VE SPENT IN RENOVATIONS. I'M TELLING YOU NOW, PLEASE, FOR YOUR OWN SAKE AND FOR THE SAKE OF THE CITY OF AUSTIN, LET THIS THING GO OR PUT IT OFF UNTIL SUCH TIME AS OTHER OPTIONS CAN BE CONSIDERED. A HOSPITAL DISTRICT IS NOT OUT OF THE QUESTION, NOR IS ALLOWING ONE OF THE MAJOR UNIVERSITIES TO COME IN AND TAKE OVER THE HOSPITAL FOR A TEACHING HOSPITAL. THESE TWO THINGS WOULD SUPPORT -- SUPPORT THE IDEA VERY WELL. AND WE WOULD NOT EVEN HAVE TO BURDEN SETON WITH THE IDEA OF HAVING TO COMPROMISE THEIR RELIGIOUS ETHICS. I THANK YOU FOR HEARING ME ALL THESE TIMES. I THANK YOU FOR TALKING WITH ME. BUT REMEMBER THE CHILDREN AND REMEMBER THE LAW. THANK YOU.

MAYOR GARCIA: DID YOU, MR. SULZER. JENNIFER RAMSEY DOES NOT WISH TO SPEAK, IS REGISTERED AGAINST. RONNIE BEER DOES NOT WISH TO SPEAK AND IS REGISTERED AGAINST. DANIELLE TURNEY? WELCOME.

GOOD EVENING MR. MAYOR AND MEMBERS OF THE CITY COUNCIL. THANK YOU FOR ALLOWING ME TO TALK TO YOU TONIGHT ABOUT THIS. I AM FROM PLANNED PARENTHOOD TEXAS CAPITAL REGION. I THINK WE'VE MADE CLEAR OUR POSITION TO ALL OF YOU, SO I WON'T GO INTO ALL THE SEPARATE, BUT NOT EQUAL POINT. THERE WAS ONLY ONE THING THAT I WOULD LIKE TO ADD -- .

MAYOR GARCIA: CAN YOU MOVE THE MIC DOWN?

ONE THING I WOULD LIKE TO ADD. YESTERDAY

AFTERNOON AT THE CITY COUNCIL'S BRIEFING, WE WERE INFORMED THAT THE CITY HAS NO INTENTION OF MAKING EMERGENCY CONTRACEPTION SEPTEMBERS AVAILABLE TO PATIENTS ONLY AS THEY CAN PRESENT AS SEXUAL ASSAULT SURVIVORS. THIS WAS PRETTY DISTRESSING TO US. IT WAS OUR UNDERSTANDING THAT THAT SERVICE WAS NEVER IN QUESTION. WE WERE GUARANTEED ALL ALONG THAT PROCESS THAT THAT PROCESS WOULD REMAIN AVAILABLE IN A SEAMLESS MANNER. SO REALLY WE'RE QUITE CONCERNED ABOUT THAT. THERE SEEMS TO BE NO SOUND MEDICAL JUDGMENT BEHIND THAT DECISION. WE AT PLANNED PARENTHOOD THINK THAT EMERGENCY CONTRACEPTION SHOULD BE EASILY ACCESSIBLE. WE JOINED OVER 50 OTHER OPTIONS ORGANIZATIONS LAST YEAR TO MAKE EMERGENCY CONTRACEPTION OVER THE COUNTER. IF INDEED YOU DO PROCEED WITH THIS LEASE AGREEMENT THE WAY IT'S WRITTEN, MAKING EMERGENCY CONTRACEPTION AVAILABLE ONLY TO SEXUAL ASSAULT SURVIVORS, I WOULD LIKE TO MAKE A REQUEST TO YOU, COUNCILMEMBER SLUSHER, I HEARD YOU MENTION A COUPLE OF TIMES THAT YOU WOULD LIKE TO HEAR MORE CONSTRUCTIVE INPUT FROM THE PUBLIC AND NOT JUST COMPLAINTS. TO I WOULD LIKE YOU TO MAYBE CONSIDER AT SOME POINT THE FUTURE IF YOU DON'T HAVE ANY INTENTION OF PROVIDING THIS SERVICE, PERHAPS THE CITY COULD STEP UP TO THE PLATE AND CONDUCT A CITY FUNDED PUBLIC AWARENESS CAMPAIGN SO THAT WOMEN WOULD KNOW THAT THIS SERVICE IS NOT AVAILABLE AT THE HOSPITAL FOR WOMEN WHO DON'T KNOW THEY SHOULDN'T PRESENT AT THE HOSPITAL FOR IT. WE THINK THE CITY CAN DO ITS PART IN LETTING WOMEN KNOW WHERE THAT SERVICE WOULD BE AVAILABLE. WE'VE DONE IT BEFORE A AND PLANNED PARENTHOOD WOULD BE HAPPY TO HELP WITH THAT AND BE A

PARTNER IN THAT. AND THAT'S ALL I WOULD LIKE YOU TO CONSIDER. AGAIN, I'D LIKE TO THANK THE CITY STAFF FOR ALL THEIR HARD WORK ON THIS. WE APPRECIATE ALL YOUR HARD WORK ON THIS AND THANK YOU AGAIN FOR ALLOWING ME TO MAKE THESE COMMENTS.

MAYOR GARCIA: THANK YOU.

GOODMAN: MAYOR, BEFORE SHE WALKS AWAY, THERE IS A CHANGE THAT WE HAVE IN OUR LATEST DRAFT THAT I WOULD LIKE TO READ AND SEE IF THERE'S A RESPONSE. THE LANGUAGE HAS BEEN CHANGED NOW TO READ THE CITY WILL PROVIDE MEDICATIONS FOR THE PURPOSE OF EMERGENCY CONTRACEPTION TO WOMEN PRESENTING AT AND REQUESTING SUCH MEDICATION AT THE NEW HOSPITAL AS IT HAD BEEN AVAILABLE AT BRACKENRIDGE HOSPITAL PRIOR TO THE DATE OF THIS AMENDMENT.

IS THAT 19.3?

GOODMAN: YES.

OKAY.

MAYOR GARCIA: THE ONLY ISSUE THAT WE HAD YESTERDAY WAS WHAT TO DO WITH SOMEBODY WHO COMES IN THAT HAS BEEN THE VICTIM OF A SEXUAL ASSAULT AND WHO HAS TO GO TO INTENSIVE CARE AND AT THAT POINT THEY COULD NOT PROVIDE THE MEDICATION AND THEY WOULD HAVE TO MOVE THAT PERSON UP TO THE FIFTH FLOOR TO GIVE IT TO THEM, TO PRESCRIBE THE MEDICATION, PROVIDE THE MEDICATION. AND THE QUESTION WAS, YOU KNOW, COULD THEY MOVE HER UP THERE AND WHAT WOULD HAPPEN? AND I THINK MORE THAN

ANYTHING ELSE THE CONCERN WAS IF A PERSON -- IF A VICTIM IS SO BADLY BEAT UP THAT SHE CANNOT SWALLOW THE PILL, THAT THAT WOULD BE A PROBLEM. AND I DON'T KNOW EXACTLY HOW THAT ISSUE IS GOING TO BE RESOLVED. BUT IF THE PERSON CAN'T SWALLOW THE PILL, THEY CAN GO TO THE FIFTH FLOOR AND PROVIDE THAT MEDICATION TO THEM. COUNCILMEMBER GRIFFITH?

GRIFFITH: YES. MAYOR, I THINK WHAT THE SPEAKER IS SAYING IS THAT NOW EMERGENCY CONTRACEPTION IS AVAILABLE WHETHER OR NOT ONE HAS BEEN A VICTIM OF SEXUAL ASSAULT, IS THAT TRUE?

MY UNDERSTANDING FROM BETTIE DUNKERLEY'S MEMO YESTERDAY WAS THAT IT HADN'T BEEN AVAILABLE AT BRACKENRIDGE PREVIOUSLY FOR WOMEN UNLESS THEY WERE VICTIMS OF SWAUMENT AND SO THE LANGUAGE WAS CHANGED TO REFLECT THAT SERVICES WOULD CONTINUE AS THEY HAD BEEN PREVIOUSLY AVAILABLE. SO MY UNDERSTANDING OF THAT IS THAT EMERGENCY CONTRACEPTION WOULD ONLY REMAIN AVAILABLE ON THE FIFTH FLOOR FOR VICTIMS OF SEXUAL ASSAULT. IS THAT WHAT -- AM I -- I'M SORRY IF I MISUNDERSTOOD THE MEMO.

YOU DID.

MAYOR GARCIA: I TRISH, DO YOU WANT TO ADDRESS THAT?

I'D LIKE TO ADDRESS SOMETHING.

MAYOR GARCIA: COULD YOU GIVE HER SOME

VOLUME ON THAT MIC?

WE HAVE A COUPLE OF DIFFERENT DISCUSSIONS GOING ON. YOU ARE CORRECT IN WHAT YOU -- HOW YOU DID INTERPRET THE MEMO. MAYOR PRO TEM, THE LANGUAGE THAT YOU JUST READ, IS THAT FROM THE RESOLUTION AS ITS BEEN SUGGESTED TO BE REVISED?

GOODMAN: IT'S FROM THIS PIECE OF PAPER. YOU TELL ME WHERE IT'S FROM.

THIS IS NOT -- .

MAYOR GARCIA: YEAH. THIS IS A RESOLUTION NUMBER 03. AND IT'S THE SECOND PAGE IN THE MIDDLE OF THE PARAGRAPH.

THIS HAS BEEN SUBMITTED BY COUNCILMEMBER GRIFFITH?

MAYOR GARCIA: UH-HUH. AND THE COUNCIL WILL BE CONSIDERING BOTH THE ORIGINAL AND THE AMENDMENT THAT WOULD COME OUT OF THIS.

THE GREEN ONE I BELIEVE IS FROM THE MAYOR'S OFFICE.

MAYOR GARCIA: WELL, YES. AT THE MAYOR'S OFFICE, ALL WE DID WAS WE ACCUMULATED AND THEN COMPILED THE DATA AND THEN COUNCILMEMBER GRIFFITH THEN DID BASICALLY THE SAME THING AND ADDED SOME PROVISIONS THAT SHE WANTED INCLUDED. IS THAT CORRECT, COUNCILMEMBER?

GRIFFITH: YES. AND LET'S CLARIFY WHAT -- I'VE ALSO BEEN WORKING WITH THE MAYOR PRO TEM AND OTHER OFFICES ON 19.3. WHAT WE ARE SUGGESTING IS THAT WE GO BACK TO LAST WEEK'S VERSION, WHICH WAS AGREED UPON BY SETON AT ONE TIME. YOU WERE THERE, I BELIEVE. AND THE WAY IT WOULD READ IS PRIOR TO THE TURN JOIFER DATE THE CITY REPRESENTATIVE AND THE SETON REPRESENTATIVE SHALL EXECUTE ON BEHALF OF THE CITY AND SETON RESPECTIVELY THE ANCILLARY SERVICES AGREEMENT PURSUANT TO WHICH SETON WILL PROVIDE THE NEW HOSPITAL COMMENCING ON THE TURNOVER DATE AND THROUGHOUT THE TERM SUBJECT TO SECTION 15.5 WITH THE SERVICES AND ITEMS SPECIFIED IN SCHEDULE 19.3 FOR WHICH THE CITY SHALL PAY SETON AS CONTEMPLATED IN THIS AGREEMENT. THE CITY WILL PROVIDE MEDICATION FOR THE PURPOSE OF EMERGENCY CONTRACEPTION TO WOMEN PRESENTING AT AND REQUESTING SUCH MEDICATION AT THE NEW HOSPITAL AS IT HAD BEEN AT BRACKENRIDGE HOSPITAL PRIOR TO THE DATE OF THIS AMENDMENT. IS THAT THE -- IS THAT THE SECTION THAT AS YOU UNDERSTOOD IT WAS AGREED TO?

YES, MA'AM. BUT WHAT WE FOUND OUT YESTERDAY WAS THAT -- AND AGAIN, THIS IS SOMETHING THAT WE HAVE BEEN ASKING ABOUT OVER AND OVER AGAIN IS TO WHOM EXACTLY WAS EMERGENCY CONTRACEPTION AVAILABLE TO AT BRACKENRIDGE PRIOR TO THIS -- WITH THE CURRENT ARRANGEMENT? AND I GUESS THAT'S THE ISSUE NOW. IT HAD BEEN AVAILABLE AT BRACKENRIDGE HOSPITAL PRIOR TO THE DATE OF THIS AMENDMENT. BECAUSE IF I'M NOT MISTAKEN, PRIOR TO THE DATE OF THIS AMENDMENT, IT WAS ONLY AVAILABLE TO SEXUAL ASSAULT AND RAPE SURVIVORS. AND AGAIN, OUR POSITION IS THAT EMERGENCY

CONTRACEPTION SHOULD BE AVAILABLE TO ANY WOMAN THAT REQUESTS IT.

GRIFFITH: SO IF YOU TOOK OUT, AS IT HAD BEEN AVAILABLE AT BRANLS PRIOR TO THE DATE OF THIS AGREEMENT, THEN THAT WOULD BE THE WAY THAT YOU WOULD PREFER?

YES, MA'AM.

GRIFFITH: THANK YOU.

THANK YOU.

MAYOR GARCIA: THANK YOU, MS. TURNEY.

I THINK WE'VE SOLVED THE MYSTERY ABOUT THE RESOLUTION. THE ONE THAT'S ACCUMULATED OUT OF THE MAYOR'S OFFICE IS NUMBER 02. AND COUNCILMEMBER GRIFFITH'S IS 03. AND RESOLUTION 02 WE HAVE GONE OVER WITH SETON AND THEY ARE IN AGREEMENT WITH THAT. AND SO THERE ARE SOME DISAGREEMENTS EVIDENTLY ON 03. AND MAIN AS WE GO THROUGH THERE, WE CAN DETERMINE WHAT THEY ARE.

MAYOR GARCIA: WHEN THE RESOLUTIONS ARE INTRODUCED, WE CAN DISCUSS THOSE AND SEE WHAT THE AGREEMENTS ARE. MS. ROMBURG? SHE DOES NOT WISH TO SPEAK. BUT SHE'S REGISTERED AGAINST. OKAY. WE CAN BEGIN THE DISCUSSION WITH EITHER RESOLUTION 0 R. 02 OR RS LUTION 03 -- RESOLUTION 03. AND AND I'LL ASK NOW FOR COUNCIL DISCUSSION, IF THERE'S ANY ON EITHER ONE OF THOSE RESOLUTIONS. IF NOT, COULD SOMEBODY PUT ONE OF THE RESOLUTIONS ON THE TABLE SO WE

CAN BEGIN TO DISCUSS IT? LET ME -- MAYOR PRO TEM, CAN YOU RECOGNIZE ME SO THAT WE CAN BEGIN THIS PROCESS? MR. STEVENS, IF YOU COULD PROVIDE YOUR SEAT TO MS. HAYS SO THAT WE CAN DISCUSS THE DISAGREEMENT THAT MAY EXIST BETWEEN 02 AND 03. DO YOU RECOGNIZE ME?

GOODMAN: YES.

MAYOR GARCIA: I'M GOING TO PUT ON THE TABLE THE RESOLUTION MARKED 02 FOR -- MOVING THAT WE APPROVE RESOLUTION 02 AND THEN IF THERE'S A SECOND TO THAT, WE CAN GO INTO THE AMENDMENTS THAT EXIST IN 03.

GOODMAN: THERE IS A MOTION BY MAYOR GARCIA, SECONDED BY COUNCILMEMBER SLUSHER ON RESOLUTION 02. MAYOR?

MAYOR GARCIA: THANK YOU. AND NOW I'LL RECOGNIZE COUNCILMEMBER GRIFFITH FOR AMENDMENTS THAT SHE MAY WANT TO MAKE OR A SUBSTITUTE MOTION TO GO TO RESOLUTION 03.

GRIFFITH: THANK YOU. BEFORE WE DO THAT I'D LIKE TO READ A LETTER FROM DR. TED HILL, WHO WAS HERE FOR ABOUT FOUR HOURS WAIT TO GO SPEAK TO US, AND HIS NUMBER CAME UP, SO HE FINALLY HAD TO LEAVE AND GO BACK TO WORK. SO HE LEFT THE FOLLOWING: DR. HELD PRACTICING OBSTETRICS AND GYNECOLOGY AT BRACKENRIDGE HOSPITAL AND HE IS THE CHAIRMAN OF THE AUSTIN MEDICAL EDUCATION PROGRAM WHICH IS FOLKS WHO DELIVER THE BABIES TO INDA JENTS AT BRACKENRIDGE INDIGENTS, AT BRACKENRIDGE HOSPITAL, AS I

UNDERSTAND IT? IS THAT HIS ROLE?

HE IS NOT THE CHAIR OF THE PROGRAM. --
CHAIRMAN OF THE PROGRAM. HE IS ONE OF THE
EMPLOYEE PHYSICIANS IN THE AUSTIN MEDICAL
EDUCATION PROGRAM. AND HE MAY BE THE
HEAD OF THE OB-GYN GROUP. NO, THAT WOULD
BE CHARLIE BROWN. SO I'M NOT SURE,
COUNCILMEMBER.

GRIFFITH: HE IS REPRESENTING CHARLIE
BROWN, BECAUSE CHARLIE BROWN WAS GOING
TO BE HERE TO DO THESE COMMENTS AND
CHARLIE BROWN HAD A DEATH IN THE FAMILY,
SO HE ASKED DR. HILL IF HE WOULD DO IT FOR
HIM IN THE FACE OF A FAMILY EMERGENCY.

[ONE MOMENT, PLEASE, WHILE CAPTIONERS
CHANGE]

GRIFFITH: ... HE AND I TALKED ABOUT TWO
THING. THE FINANCIAL UNRESOLVED ISSUES,
WHICH WE TALKED ABOUT AT LEFNT YESTERDAY.
THERE ARE SEVEN OF THOSE, SO WE DON'T
NEED TO GO OVER THOSE AGAIN. BUT THERE'S
SEVEN UNRESOLVED FINANCIAL ISSUES AND
HERE ARE FIVE UNRESOLVED MEDICAL ISSUES
ACCORDING TO DR. HILL'S LETTER.
CONFIDENTIALITY, EMERGENCY CONTRACEPTION,
WASTE AND DUPLICATION, DE-- WASTE AND
DUPLICATION DEPLETES THE NEEDED
RESOURCES, CONTRACEPTION AND
TERMINATION. NOT BEING AN OBJECT.....
OB/GYN, I CAN'T DO THE LONG VERSION OF
THIS, BUT THOSE ARE, IN HIS WORDS, THE FIVE
VERY IMPORTANT AND NECESSARY THINGS THAT
HAVE TO BE SOLVED. AND -- AND IN TERMS OF --
OF AMENDMENTS ONE AND TWO, THERE'S
NUMBER THREE, I'M NOT READY TO -- TO MAKE

ANY AMENDMENTS AT THIS TIME.

MAYOR GARCIA: OKAY. THERE'S A MOTION AND A SECOND ON THE RESOLUTION THAT'S DESIGNATED RESOLUTION 02. SO I THINK, MS. HAYS, YOU'VE HAD AN OPPORTUNITY TO -- TO REVIEW WHAT IS DESIGNATED AS RESOLUTION 02 SNRS.

AND -- FUNDAMENTALLY IT ADVOCATES THE LONGER TERM ADDRESSING OF ISSUES FACING THE REGION, IN COLLABORATION WITH THE EXISTING ENTITY THAT ELECTED OFFICIALS ARE WORKING ON BEING I'M WILDLY ENTHUSIASTIC ABOUT THAT. SETON WOULD -- UNLESS I -- I LITERALLY HAVEN'T GOTTEN TO THE LAST PARAGRAPH. IT LOOKS TO ME AS IF EVERYTHING IN HERE IS SOMETHING THAT [INAUDIBLE] WOULD BE SUPPORTIVE OF.

MAYOR GARCIA: ARE THERE ANY QUESTIONS FOR THE STAFF? ANY OTHER AMENDMENTS THAT -- THAT COUNCILMEMBERS WANT TO MAKE TO RESOLUTION 02?

GOODMAN: MAYOR?

MAYOR GARCIA: COUNCILMEMBER -- MAYOR PRO TEM?

GOODMAN: ON RESOLUTION 03, MUCH OF THE LANGUAGE IS THE SAME AS 02. BUT WHAT IS DIFFERENT IS ON THE SECOND PAGE OF 03, IS WHERE IT MENTIONS CHANGES TO SECTION 19.3. AND THAT IS FOR REVISIONS RELATED TO THE PROVISION OF REPRODUCTIVE SERVICES AND THAT IS WHERE THE LEGISLATIVE -- THE LEGISLATIVE DRAFT CROSSES OUT WHAT WAS PREVIOUSLY IN 19.3, WHICH IS -- WHICH IS IN

THIS -- IN THIS DRAFT THE -- WAIT, IT RIGHT THROUGH MY DRAFT. THE ANCILLARY SERVICES AGREEMENT SHALL PROVIDE THAT SETON MAY TERMINATE THE SAME IF THE CITY INTENTIONALLY AND KNOWINGLY PROVIDES ABORTIONS WITHIN THE NEW HOSPITAL. THAT IS STRUCK. WHAT REMAINS IS THE CITY WILL PROVIDE MEDICATIONS FOR THE PURPOSE OF EMERGENCY CONTRACEPTION TO WOMEN, STRIKING WHO HAVE EXPERIENCED RAPE OR SEXUAL ASSAULTS SO THAT EMERGENCY CRO SESSION WILL BE AVAILABLE, -- CONTRACEPTION WILL BE AVAILABLE, LEAVING PRESENTING AT AND REQUESTING SUCH MEDICATION AT THE NEW HOSPITAL. AND AS MENTIONED A MOMENT BEFORE, AS IT HAD BEEN AVAILABLE AT BRACKENRIDGE HOSPITAL PRIOR TO THE DATE OF THIS AMENDMENT, MAY NOT BE EXACTLY WHAT WE ARE HEADING FOR FOR BETTER SERVICES. AND LEGAL MAY COMMENT ON THAT, BUT WHAT I WOULD OFFER AS A -- AS AN AMENDMENT WOULD STRIKE THAT LAST PART OF THE SENTENCE. SO STRIKING AS IT HAD BEEN [INAUDIBLE] BRACKENRIDGE HOSPITAL PRIOR TO THE DATE OF THIS AMENDMENT, FURTHER THERE'S AN ADDITION ABOUT THE OFFICE OF THE CITY AUDITOR HAVING THE RIGHT TO ACCESS AND EXAMINE AND VERIFY RECORDS, ACCOUNT AND DATA PERTINENT TO THE EXECUTION OF THIS LEASE AMENDMENT. AND RECORDS, ACCOUNTS AND DATA MAINTAINED BY OUTSIDE CONTRACTS HIRED BY SETON OR THE CITY OF AUSTIN. IT WAS MY UNDERSTANDING THAT -- THAT SETON WAS SUCH A -- SUCH AN ORGANIZATION ORIGINALLY AND THAT RECEIVING FEDERAL DOLLARS WOULD -- WOULD MAKE THAT A MANDATED PART OF YOUR BOOKKEEPING ANYWAY. IF THERE IS LEGAL COMMENT ON THAT, I WOULD BE INTERESTED AS WELL. BUT FOR NOW, THOSE ARE THE AMENDMENTS THAT I WOULD OFFER AS

FRIENDLY.

MAYOR GARCIA: SO -- SO I DON'T KNOW -- THE PARAGRAPH THAT STARTS IN THE MIDDLE OF THE PAGE, SECTION 19.3, PRIOR TO THE TURNOVER DATE, IS THAT THE PARAGRAPH THAT YOU WANT TO INCLUDE WITH THE ITEMS LINED OUT?

GOODMAN: RIGHT. SO EXTRAS STRICKEN FROM THIS PARAGRAPH IS THE SENTENCE THAT STARTS IN ABOUT THE 7TH -- 6TH LINE THAT READS: THE ANCILLARY SERVICES AGREEMENT SHALL PROVIDE THAT SETON MAY TERMINATE THE SAME -- I DON'T KNOW WHAT INTENTIONALLY, INTENTIONALLY I THINK THAT WAS MEANT TO READ. AND KNOWINGLY PROVIDES ABORTIONS WITHIN THE NEW HOSPITAL. WHICH WE DON'T EVER DO IT AT OUR HOSPITALS. AND THEN THE NEXT LINE WOULD BE, THE CITY WOULD PROVIDE MEDICATIONS FOR THE PURPOSE OF EMERGENCY EXTRA SESSION TO -- EXTRA SESSION TO -- CONTRACEPTION TO WOMEN, SO THAT EMERGENCY CONTRACEPTION WILL BE AVAILABLE, THEN WILL READ THE CITY WILL PROVIDE MEDICATION FOR THE PURPOSE OF EMERGENCY CONTRACEPTION TO WOMEN PRESENTING AT AND REQUESTING SUCH MEDICATION AT THE HOSPITAL, CORRECT?

GOODMAN: RIGHT. THE REST OF THE --

MAYOR GARCIA: THE REST OF THE PARAGRAPH STAYS THE SAME. THAT'S THE PARAGRAPH THAT YOU WANT TO ADD TO THE RESOLUTION 02?

GOODMAN: AND ALSO THE -- THE OFFICE OF THE CITY AUDITOR.

MAYOR GARCIA: AND THE BOTTOM PART. OKAY. THAT -- THAT -- MAYOR PRO TEM READ THAT INTO THE RECORD. AND I'M GOING TO ACCEPT THAT AS A FRIENDLY AMENDMENT AND SEE IF -- IF COUNCILMEMBER SLUSHER AGREES WITH THAT.

SLUSHER: YES, MAYOR.

MAYOR GARCIA: OKAY. LET ME ASK MS. HAYS TO COMMENT ON THAT PARTICULAR AMENDMENT.

I WILL TAKE THE THREE ISSUES IN ORDER. ON THE ISSUE OF ABORTION, WHEN THE LEASE WAS ORIGINALLY NEGOTIATED, THE STATUS QUO WAS THAT ABORTIONS WERE NOT DONE AT BRACKENRIDGE HOSPITAL, THEY WERE OUTSIDE OF THE AGREEMENT, IT WAS -- AS IT WAS ORIGINALLY DISCUSSED. AND THIS SENTENCE WOULD MAKE IT IMPOSSIBLE FOR SETON TO SIGN THE AGREEMENT. THE NATURE OF THIS, OF COURSE, IS THAT THE ANCILLARY SERVICES --

MAYOR GARCIA: THAT'S STRICKEN FROM THIS PARAGRAPH.

RIGHT. BUT IF THIS SENTENCE IS STRICKEN, IT WOULD NOT BE POSSIBLE FOR SETON TO SIGN THE AGREEMENT. BECAUSE THE NATURE OF THE ANCILLARY SERVICES AGREEMENT SETON WOULD NOT BE ABLE TO -- IN ACCORDANCE WITH THIS, ITS ETHICAL DIRECTIVES, TO CONTINUE TO PROVIDE THOSE SERVICES IF ABORTIONS WERE PERFORMED. AND SO WE NEED LANGUAGE IN THAT SAYS THAT. BECAUSE WE ARE OTHERWISE OBLIGATED TO PROVIDE THEM. AM I MAKING SENSE WHEN I SAY THAT?

MAYOR GARCIA: LET ME SEE IF I HAVE A LAWYER

FROM THE CITY THAT CAN HELP US WITH THIS.

GARZA: IS THIS ADDITIONAL CLARIFICATION LANGUAGE OR IS THIS LANGUAGE FROM THE ORIGINAL LEASE?

THE ORIGINAL LEASE PROHIBITED ABORTIONS AT THE HOSPITAL.

GARZA: SO IT IS CONSISTENT WITH THE LEASE WE EXECUTED IN THE 1995.

YES. THAT IS SOMETHING THAT WE NEGOTIATED AS A TERM FOR THE LEASE AMENDMENT.

GARZA: RIGHT.

GOODMAN: MAYOR?

MAYOR GARCIA: MAYOR PRO TEM?

GOODMAN: AS WAS MENTIONED BY DR. HEYS JUST A MINUTE AGO, THIS IS SUPPOSEDLY OUTSIDE THE CONTRACT ALTOGETHER. AND PREVIOUSLY WE HAD CLINICS OR OTHER REFERRALS FOR SUCH SERVICES, SO -- SO I'M NOT UNDERSTANDING EXACTLY WHY SETON OR -
-

MAYOR GARCIA: I THINK WHAT --

GARZA: THE ISSUE -- SORRY.

MAYOR GARCIA: I THINK WHAT THEY ARE SAYING IS THAT SETON, WHAT THEY DON'T LIKE IS THAT SETON MAY TERMINATE THE AGREEMENT IF THE

CITY INTENTIONALLY AND KNOWINGLY PROVIDES ABORTION WITHIN THE NEW HOSPITAL. THEY WANT THAT TO STAY IN THE CONTRACT. IS THAT CORRECT?

YES.

THAT'S CORRECT, BECAUSE WITHIN NEW HOSPITAL THE CITY IS NOT OPERATING UNDER THE ETHICAL AND RELIGIOUS DIRECTIVES. WHAT THIS SENTENCE SIMPLY DECLARES IS WERE THE CITY TO DO THIS, SETON WANTS THE RIGHT TO CANCEL THE ANCILLARY SERVICES AGREEMENT.

MAYOR GARCIA: OKAY. I SUSPECT THAT THAT IS NOT THAT BIG OF AN ISSUE, BECAUSE THE CITY DOESN'T DO ABORTIONS AT THE HOSPITAL. SO I DON'T SEE -- I READ THAT -- WHEN I ACCEPTED THE AMENDMENT, I -- I THOUGHT THAT THAT WAS SOMETHING THAT CLARIFIED IT, BUT I UNDERSTAND WHAT IT SAYS, WE DON'T DO ABORTIONS AT THE HOSPITALS, WE HAVE SEPARATE CONTRACTS.

GOODMAN: MAYOR, WHAT THIS CALLS INTO QUESTION FOR ME IS WHO IS IN CONTROL OF THE NEW HOSPITAL AND WHY SETON WOULD HAVE THIS EXTRA CONTROL OVER WHAT IS SUPPOSED TO BE A HOSPITAL WITHIN A HOSPITAL, WHY SHOULD IT MATTER AT ALL? TO SETON?

GARZA: LET ME JUST SAY.

GOODMAN: OUR HOSPITAL, OUR BUILDING THAT WE -- THAT WE CONTRACTUALLY HAVE LEASED FOR MANAGEMENT TO SETON, BUT THE HOSPITAL

WITHIN A HOSPITAL IS A SEPARATE FACILITY.

WHAT THIS AMENDMENT DOES IS IT BINDS US TO PROVIDE CERTAIN SERVICES. WHAT WE WANT ACKNOWLEDGED IS THAT WE WOULD STOP PROVIDING THOSE SERVICES, SO WE WANT AN ACKNOWLEDGMENT OF OUR BEING RELEASABLE FROM AN AGREEMENT IF ABORTIONS WERE PROVIDED. IT IS NOT A SENTENCE THAT CLAIMS TO SAY WHAT YOU CAN DO. BUT IF YOU DO CERTAIN THINGS, WE WILL HAVE TO DO CERTAIN THINGS.

MAYOR GARCIA: WELL, ARE YOU SAYING THAT IF THE CITY WERE TO HAVE ABORTIONS ON THE FIFTH FLOOR, YOU WOULD HAVE TO GET OUT?

WE WOULD HAVE TO STOP PROVIDING THE SERVICES THAT ARE IN THE ANCILLARY AGREEMENT. CORRECT. OR WE WOULD BE VIOLATING THE ETHICAL AND RELIGIOUS DIRECTIVES BY COOPERATING WITH THOSE SERVICES.

GARZA: WHAT THAT MEANS IS YOU WOULD HAVE TO BEGIN TO TERMINATE THE LEASE.

CORRECT.

GARZA: YOU WOULD HAVE TO UNWIND. TERMINATE THE LEASE.

NO. IF SETON WERE -- IF IT WERE NECESSARY FOR SETON TO STOP PROVIDING ANCILLARY SERVICES BECAUSE THE CITY WAS PERFORMING ABORTIONS, THEN WE WOULD HAVE PROVISIONS IN THE AGREEMENT THAT WOULD -- WOULD CAUSE CERTAIN SYSTEMS AT -- AT THE

HOSPITAL TO REVERT TO THE CITY.

GARZA: WELDS HAVE TO TAKE THOSE OVER.

WE WILL CONTROL THEM.

GARZA: LAB -- NOT LAB BUT HOUSE KEEPING.

UTILITIES, PARKING, OTHER SERVICES COULD BE
PURCHASED FROM OTHER PARTIES. GRZ I
UNDERSTAND.

IT DOES NOT EFFECTIVELY UNWIND IT, BUT IT
DOES CHANGE.

GARZA: IT CHANGES THE ANCILLARY
AGREEMENT.

GRIFFITH: MAYOR?

MAYOR GARCIA: MAYOR PRO TEM?

GOODMAN: I WILL DEFER.

GRIFFITH: DOES THAT MEAN THE AIR
CONDITIONER GOES OFF.

NO IT MEANS THE AIR CONDITIONER REVERTS
TO THE CITY, AND THE CITY BECOMING
RESPONSIBLE FOR -- BECOMES RESPONSIBLE
FOR MAINTAINING IT AND LEASING IT TO SETON.

GRIFFITH: THE MAYOR PRO TEM'S QUESTION IS
THE SAME AS MINE. HOW IS IT THAT -- I WANT
TO ASK THIS POLITELY. HOW IS IT THAT WHAT

GOES ON IN OUR HOSPITAL IS -- IS GOING TO BE UN-- IS GOING TO BE UN-- UNHOOKED IN TERMS OF THE SUPPORT SERVICES THAT ARE TO THE REST OF THE HOSPITAL IF WE DO SOMETHING THAT -- THAT IS NOT POSSIBLE FOR YOU, BUT POSSIBLE FOR US?

WHAT IS UNHOOKED IS OUR BEING A SERVICE PROVIDER TO YOU IN CERTAIN WAYS. SO IT'S REALLY OUR SAYING THAT WE WOULD -- THE WAY THIS MODIFICATION HAS BEEN DEVELOPED, A LARGE NUMBER OF SERVICES, A LARGE NUMBER OF SERVICES ARE COMPLETELY CONTAINED WITHIN THE FIFTH FLOOR. IT WAS AGREED UPON THAT CERTAIN OTHER THINGS COULD STILL BE SUPPLIED BY SETON CONSISTENT WITH THE ETHICAL AND RELIGIOUS DIRECTIVES. IF ABORTIONS WERE -- WERE DONE ON THE FIFTH FLOOR, IT WOULD NOT BE POSSIBLE FOR US TO PROVIDE THOSE SERVICES.

MAYOR GARCIA: LET ME -- MS. HAYS, LET ME WITHDRAW MY APPROVAL OF THIS AS A FRIENDLY AMENDMENT. AND LET'S GO INTO THE SECOND AND THE THIRD AND YOU CAN EXPLAIN THE POSITION OF SETON WITH REGARD TO THAT.

THE SECOND ISSUE HAS TO DO WITH THE -- WITH THE ORIGINAL DISCUSSIONS ABOUT WHAT -- ABOUT WHAT -- WHAT WOULD BE MOVED TO THE FIFTH FLOOR. IN OCTOBER, WHEN WE RAN INTO CHALLENGES WITH WHERE EMERGENCY CONTRACEPTION WOULD BE PROVIDED, WE WERE ALWAYS TALKING ABOUT THE EMERGENCY CONTRACEPTION THAT IS CURRENTLY BEING PROVIDED, THAT HAS TO DO, IN FACT, WITH WHAT IS ORDINARILY -- ORDINARILY HAPPENS AT AN ACUTE CARE WHICH IS PEOPLE COME THERE BECAUSE OF AN EMERGENT SITUATION, ORDINARILY A RAPE OR SEXUAL ASSAULT. THERE

ARE -- THERE ARE OTHER CITY SERVICES, I LEAVE THAT TO TRISH AND BELT TEE TO ADDRESS, -- BETTY TO ADDRESS, BUT IN WHICH THE CITIES SEES WOMEN WHO MAY WANT TO HAVE CONTRACEPTIVE SERVICES. THIS IS AN ACUTE CARE FACILITY. WHAT IT DOES IS SEE VICTIMS OF RAPE AND SEXUAL ASSAULT AND THAT IS ALL WE HAVE AGREED TO HAVE MOVE TO THE FIFTH FLOOR. SO, AGAIN, WE DO NOT HAVE, BASED ON THE ETHICAL CONSULTS WE HAVE GOTTEN, AN APPROVAL TO -- TO TAKE THIS LANGUAGE OUT.

MAYOR GARCIA: LET ME ASK, MS. YOUNG. IF A WOMAN GOES TO THE HOSPITAL AND SHE'S JUST ASKING FOR -- FOR THE -- FOR THE MEDICATION TODAY, THEY DON'T GET IT?

THAT IS MY UNDERSTANDING, YES. MAYOR GARCIA IS THAT PART OF THE AGREEMENT THAT WE HAVE WITH THEM?

ORDINARILY, WOMEN COME -- PEOPLE DON'T COME TO THE EMERGENCY ROOM FOR -- FOR PRIMARY CARE SERVICES. THEY WOULD BE TO ONE OF THE CITY'S CLINICS.

OR THEIR OWN PRIVATE PHYSICIAN.

SO THE EMERGENCY ION THAT WE'VE HAD AT BRACKENRIDGE HAS BEEN EMERGENCY CONTRACEPTION FOR RAPE AND SEXUAL ASSAULT. AGAIN, THAT WAS WHAT WE AGREED WOULD MOVE TO THE FIFTH FLOOR.

GOODMAN: MAYOR, COULD I ASK IF THERE WAS --

MAYOR GARCIA: MAYOR PRO TEM?

GOODMAN: COULD I ASK IF THERE WERE SOME LEGAL OR MEDICAL ISSUES IN THE QUALIFICATIONS FOR THAT EMERGENT REQUEST? PREVIOUSLY. THAT'S WHY IT WAS NOT AS OPEN AS THE AMENDMENT PROPOSED RIGHT NOW?

I WOULD LIKE JOHN BANE FROM FULBRIGHT AND JAWORSKI TO ADDRESS ANY LEGAL ISSUES, IF THERE ARE ANY.

WOULD YOU REPEAT THE QUESTION, PLEASE?

GOODMAN: LET ME TRY TO FRAME IT. THE STRIKING OF SOME LANGUAGE MAKES THE STATEMENT -- SAY THIS: THE CITY WILL PROVIDE MEDICATIONS FOR THE PURPOSE OF EMERGENCY CONTRACEPTION TO WOMEN PRESENTING AT AND REQUESTING SUCH MEDICATION AT THE NEW HOSPITAL. PREVIOUSLY THERE WAS QUALIFICATION AS TO WOMEN WHO HAVE EXPERIENCED RAPE OR SEXUAL ASSAULT, SO THAT EMERGENCY CONTRACEPTION IS AN ISSUE AND REQUEST FOR THEM. IS THERE ANY LEGAL REASON WHY THAT QUALIFIER WAS EVER PUT IN THERE DO YOU THINK ABOUT THE RAPE OR SEXUAL ASSAULT AS A QUALIFIER FOR BEING ABLE TO RECEIVE EMERGENCY CONTRACEPTIVE?

THE ORIGINAL SENTENCE, THERE A COUPLE OF PLACES FOR EMERGENCY CONTRACEPTION IS ADDRESSED. IN THIS PARTICULAR SENTENCE WAS REFERRING TO THE HISTORICAL PRACTICE AT BRACKENRIDGE HOSPITAL AND THAT HISTORICAL PRACTICE HAD FOCUSED ON THE SEXUAL ASSAULT VICTIMS AND BY REFERRING

TO THE HISTORICAL PRACTICE, THIS ENSURES, IF THAT LANGUAGE STAYS IN, THAT FOR VICTIMS OF RAPE OR SEXUAL ASSAULT, THAT IT WOULD NOT BE NECESSARY FOR THE FIFTH FLOOR TO COMMENCE OVULATION TESTING, WHICH HAS BEEN AN IMPORTANT PART OF OUR POLICY IN THESE NEGOTIATIONS. AND THEREFORE WE CAN CONTINUE TO ADMINISTER THE CONTRACEPTION IN ACCORDANCE WITH THE EXISTING MEDICAL STANDARDS. AND THAT IS THE -- THAT WAS THE LEGAL BASIS FOR THE INCLUSION OF THAT LANGUAGE IN THAT SECTION.

GOODMAN: OKAY. AND THE -- THE ONLY OTHER THING I GUESS THAT I HAD ASKED IS THE MEDICAL QUESTION OR THAT I HAD THOUGHT OF WAS A MEDICAL QUESTION. IS THERE SOME -- WELL, I ASSUME THERE IS SOME SORT OF -- OF QUESTIONS THAT WOULD BE ASKED AT ANY HOSPITAL OF A PERSON WHO IS COMING IN ASKED FOR EMERGENCY CONTRACEPTIVE, I ASSUME THAT LANGUAGE WOULD GO ALONG FROM REFERRAL TO COUNSELING OR WHAT HAVE YOU, SO THAT THERE WOULD BE -- THERE WOULD BE NO CHANCE OF -- OF PHYSICAL CONSEQUENCE AND TAKING OUT EMERGENCY CONTRACEPTION IF YOU DON'T ACTUALLY NEED IT. I ASSUME IT DOESN'T KILL ANYBODY. OR -- OR MAKE THEM ILL THEMSELVES. TO TAKE OF THAT KIND OF PILL IF THEY DON'T REALLY NEED IT.

THIS MAY BE A SENTENCE THAT HAS HELPED TO ADD TO WHAT JOHN JUST SAID. THE NARROW DEFINITION OF EMERGENCY CONTRACEPTION IS RELATED TO THE FACT THAT UNDER CERTAIN CONDITIONS EMERGENCY CONTRACEPTION CAN ACT AS AN ABORTIFACIENT AND AGAIN CREATE AN ABORTION. THE NARROW DEFINITION AS IT RELATES TO RAPE AND SEXUAL ASSAULT AND -- AND IN THE MANNER THAT IT'S CURRENTLY

BEING DONE AT BRACKENRIDGE IS WITHIN THE ETHICAL GUIDELINES THAT WE HAVE APPROVAL FOR IN THE BROADER DEFINITION, THE BROADER APPROACH OF EXPANDED SERVICE WOULD NOT BE.

GOODMAN: AGAIN, MAYOR, I'M JUST HAVING A HARD TIME FOLLOWING -- FOLLOWING WHY WE ARE THEN TRYING TO HAVE A TOTALLY SEPARATE FACILITY WITHIN ACTUALLY -- FACILITY WITHIN THAT -- IF THE RELIGIOUS DIRECTIVES HAVE SOME CONTROL OVER WHAT OUR HOSPITAL CAN PROVIDE.

IT GOES BACK TO THE MATTER OF IF THE CITY HOSPITAL WERE TO -- TO PERFORM SERVICES THAT SETON WOULD BE VIEWED AS MATERIALLY COOPERATING WITH SOMETHING THAT THEY CANNOT DO, THEN THEY HAVE THE RIGHT TO TERMINATE THE ANCILLARY SERVICES AGREEMENT. SO AGAIN THIS GOES TO THEIR RIGHT TO STOP PROVIDING SERVICES TO US IF WE DO SOMETHING THAT IS IN CONFLICT WITH WHAT THEY CAN DO.

GOODMAN: IF IT WAS -- IF BRACKENRIDGE WAS SETON'S HOSPITAL, SETON'S FACILITY, OWNED AND HISTORICALLY SO, THEN I WOULD SEE THAT CONNECTION AND THAT JUSTIFICATION. SINCE IT IS A CITY OWNED AND BUILT FACILITY, NOTWITHSTANDING THE -- THE WONDERFUL IMPROVEMENTS THAT SETON OVER TIME HAS CONTRIBUTED TO THE PHYSICAL PLANT, THE CONNECTION OVER THAT KIND OF CONTROL DOESN'T SEEM LOGICAL TO ME.

AND THE ONLY FINAL SENTENCE THAT I WOULD SAY IS THAT -- THE ISSUE RELATES TO ABORTIONS AND ABORTIFACIENTS OUTSIDE THE PARAMETER OF THE CURRENT CONTRACT. IT IS

WHEN THOSE THINGS OCCUR IT HAS A RADICAL IMPACT ON WHAT IT IS SETON CAN DO IN REGULARS RELATION TO THE FIFTH FLOOR FROM THE OUTSIDE.

MAYOR GARCIA: WHAT YOU ARE SAYING, MS. HAYS, IS THAT IN SETTING UP THE FIFTH FLOOR TO DO THE THINGS THAT -- THAT WE ARE GOING TO DO THERE, THAT WAS INCLUDED IN THE ORIGINAL AGREEMENT, WHAT WE ARE DOING IS WE ARE TAKING IT AWAY FROM YOU. IN THE CASE OF PROVIDING THE -- MEDICATIONS THAT THAT WASN'T DONE, THAT WAS NOT INCLUDED IN THE ORIGINAL AGREEMENT AND WHEN WE DO THIS, THEN THAT BRINGS A NEW SERVICE THAT WAS NOT CONTEMPLATED AT THE TIME THAT THE AGREEMENT WAS MADE. IN OTHER WORDS, YOU WERE NOT -- YOU WERE NOT PROVIDING THE AFTER MORNING PILL, UNDER THE OLD AGREEMENT, AND IF SOMEBODY PROVIDES IT IN THE NEW AGREEMENT THAT THAT IS SOMETHING THAT YOU CAN'T LIVE WITH? IS THAT -- IS THAT RIGHT?

(NODDED HEAD)

I WOULD LIKE TO POINT OUT THAT PEOPLE THAT DO COME TO THE EMERGENCY ROOM FOR NON-EMERGENCY COUNSELING OR HELP, WILL BE REFERRED UP TO THE FIFTH FLOOR AND WE WILL TREAT THOSE PATIENTS AS -- AS IN THE WAY OF COUNSELING AND OF GETTING THEM EITHER TO THEIR PRIVATE DOCTORS OR TO OUR CLINIC TO MAKE SURE THAT THEY GET THE MEDICATIONS THEY NEED IF APPROPRIATE IN A TIMELY FASHION.

GARZA: BUT I THINK ONE OF THE KEYS HERE IS THIS IS AN ACUTE CARE FACILITY. WE WORK HARD NOT JUST ON THIS ISSUE, BUT WE WORK

HARD ON TRYING TO GET FOLKS NOT TO COME TO THE EMERGENCY ROOM FOR PRIMARY CARE SERVICES BECAUSE OTHERWISE THAT TAKES UP SPACE FOR PEOPLE WHO REALLY ARE IN NEED OF EMERGENCY ROOM SERVICES AND ACUTE SERVICES FROM THE HOSPITAL. SO TO THE DEGREE THAT WE HAVE THE FIFTH FLOOR FOR -- FOR THE PURPOSE OF ACUTE CARE, WE ARE NOT GOING TO WANT TO ENCOURAGE THAT. WE HAVE A CLINIC SYSTEM THAT WE FUND HANDSOMELY WITH RESPECT TO PROVIDING SERVICES FOR -- FOR WELL CHECKS, ALL KIND OF OTHER MEDICAL SERVICES, THAT'S WHAT WE WILL WANT THOSE INDIVIDUALS TO PRESENT THEMSELVES SO THAT WE CAN PROVIDE THEM THE MEDICAL CARE THEY NEED BECAUSE THAT'S THE LEAST EXPENSIVE WAY TO DO IT. IT'S THE MOST EFFECTIVE WAY TO DELIVER HEALTH CARE. YOU DON'T DO IT IN A HOSPITAL. YOU DO IT WITHIN YOUR CLINIC SYSTEM WITH YOUR PHYSICIAN THAT YOU HAVE WITHIN THE -- WITHIN THE PRIMARY CLINIC SYSTEM THAT WE OPERATE.

THESE SERVICES ARE WITHIN THE REALM OF FAMILY PLANNING, WHICH IS EXACTLY WHAT THE CLINICS DO, IN WHICH WE RECEIVE TITLE 20 FUNDING TO DO TO PERFORM FOR THESE PATIENTS.

GOODMAN: IF I CAN COMMENT TO THE CITY MANAGER. I UNDERSTAND THAT. AND THE FIFTH FLOOR, THE HOSPITAL WITHIN THE HOSPITAL, THOUGH, IS NOT TECHNICALLY ONE LARGE EMERGENCY ROOM. SOME OF THE OTHER ISSUES THAT WE ARE TRYING TO ADDRESS ARE ANSWERED BY HAVING A HOSPITAL WITHIN A HOSPITAL. WHAT WE ARE ALSO TRYING TO GUARANTEE IS THAT ANYBODY WHO COMES TO THE MEDICAL CENTER THAT THEY KNOW OF, IS ABLE THEN TO -- TO BE GIVEN THE INFORMATION AND REFERRED TO THE SERVICES THAT THEY

NEED. SOMEBODY WHO IS -- WHO IS VERY YOUNG, PERHAPS, AND DOESN'T KNOW THE CLINIC SYSTEM MAY KNOW WHERE BRACKENRIDGE IS. THEY WOULD THEN GO TO THAT FACILITY TO TRY TO FIND INFORMATION AND HELP, PERHAPS. I'M TRYING TO MAKE SURE THAT NO ONE FALLS BETWEEN THE CRACKS BECAUSE YOU DO KNOW THAT A HOSPITAL IS WHERE MEDICAL HELP IS AVAILABLE, SO IT'S VERY POSSIBLE THAT -- THAT SOME PEOPLE MAY ONLY BE ABLE TO FIND THAT RIGHT OFF WHEN THEY NEED HELP. AND IT'S NOT NECESSARILY AN EMERGENCY SERVICES ISSUE THAT I'M TALKING ABOUT.

GARZA: WELL, NO, I'M TALKING ABOUT AN ACUTE FACILITY. THE HOSPITAL IS TO RECEIVE ACUTE MEDICAL SERVICES FOR OPERATION AND THINGS OF THAT NATURE. THE CARE OF AN INDIVIDUAL, PRIMARY CARE PURPOSES IS WHY YOU HAD THE CLINIC SYSTEM. YOU'RE RIGHT ABOUT INFORMATION, REFERRALS, FOLKS MAKING SURE THEY UNDERSTAND WHAT THEIR RIGHTS ARE, WHAT THEY CAN -- THEY CAN DO, WHERE THEY CAN OBTAIN THE SERVICES. IT'S JUST AS THE CITY, IF -- I GUESS I KNOW THAT PEOPLE BLAME ME FOR THIS OR SAY THAT I CAN KIND OF -- IF YOU CAN DELIVER THE CARE FOR \$50, THAT'S WHERE YOU ARE GOING TO GO ON AND DELIVER THE CARE AS OPPOSED TO DELIVERING CARE WHEN IT'S GOING TO COST YOU \$150 SOMEWHERE HE WILL. THE HOSPITAL IT'S GOING TO BE EXPENSIVE CARE. YOU WANT TO TAKE THAT PRIMARY CARE AND DELIVER IT WHERE YOU CAN DO IT THE CHEAPEST SO YOUR PUBLIC DOLLARS WITH SPREAD OVER A LARGER POPULATION AND AVAIL THEMSELVES OF THE HEALTH CARE SERVICES THAT YOU HAVE. THAT'S WHAT YOU WANT TO DO. WHAT YOU WANT THE HEALTH CARE SYSTEM, THOSE REALLY NEEDING ACUTE SERVICE, PRIMARY CARE IS FOR PEOPLE TO GET MEDICAL CARE. STRETCHES THOSE

PUBLIC DOLLARS TO MORE PEOPLE AND LIVES ARE COVERED. THAT'S -- THAT'S OUR MISSION AND HOW WE WILL WORK WITH THIS ACUTE CARE.

GOODMAN: I AGREE WITH YOU, MY QUESTIONS ARE NOT CHALLENGING THAT IN ANY WAY. MAYBE THE ISSUE CAN BE CLEARED UP IF THERE IS A PERSON FROM A WOMAN'S ADVOCACY GROUP WHO FEELS WILLING TO COME UP AND -- AND -- WHAT I WOULD LIKE TO KNOW IS SPEAKING OF THE AMENDMENTS THAT WE ARE TALKING ABOUT, ARE THESE IMPERATIVE, WOULD YOU SAY, FOR THE PROTECTION OF WOMEN'S RIGHTS OR ARE THESE QUALIFIERS NOT SO IMPORTANT BECAUSE IF WE ARE TRYING TO HAVE SEAMLESS AND CONSISTENT SERVICE THEY HADN'T BEEN PROVIDED BEFORE. ARE THESE MAKE OR BREAK ISSUES?

MAYOR PRO TEM, I GUESS WHAT'S DISTRESSING TO ME IS THESE SEEM TO BE DEAL BREAKERS FOR SETON, BOTH THE ISSUE OF THE AVAILABILITY OF EMERGENCY CONTRACEPTION AND THIS ISSUE OF ASKING SETON'S PERMISSION TO PROVIDE ABORTIONS FOR WHATEVER REASON ON THE FIFTH FLOOR. I GUESS WE ARE WONDERING WHAT ARE THE DEAL BREAKERS FOR THE CITY. AT WHAT POINT DOES WOMEN'S HEALTH CARE BECOME NON-NEGOTIABLE. I GUESS THAT IF I COULD JUST CLARIFY SOME OF THE CONFUSION. I'M AFRAID MR. GARZA MADE SOME COMMENTS ABOUT THIS NOT BEING AN EMERGENCY SERVICE OR NOT ENCOURAGING THEM TO BE, FOR PEOPLE TO COME TO THE HOSPITAL FOR THIS. WE AGREE WITH THAT. THAT WE REALLY SHOULDN'T ENCOURAGE PEOPLE TO SEEK OUT THESE SERVICES AT A HOSPITAL. IT'S MUCH MORE APPROPRIATE TO SEEK IT OUT AT YOUR PRIVATE DOCTOR, CITY, COUNTY CLINIC, PLANNED.....

PLANNED PARENTHOOD BUT A WOMAN WITH A BIRTH CONTROL FAILURE, CONDOM BREAK OR UNPROTECTED SEX NEEDS TO GIVE THAT SERVICE WITHIN 72 HOURS, I CONSIDER THAT AN EMERGENCY, AN IMMEDIATE NEED. THIS IS NOT A SERVICE THAT TAKES -- HAS TO TAKE UP A LOT OF TIME. IT SEEMS LIKE IF SHE'S REALLY AT HER 70TH HOUR IT SHOULD BE AVAILABLE TO THE PLACE WHERE SHE SEEKS HEALTH CARE AT THE HOSPITAL.

I JUST WANT TO ADD THATS VAST MAJORITY OF SEXUAL ASSAULT VICTIMS DO NOT DECLARE THEMSELVES TO BE SEXUAL ASSAULT VICTIMS. MANY WOMEN CHOOSE PHOTO ENTER THE LAW ENFORCEMENT -- NOT TO ENTER THE LAW ENFORCEMENT SYSTEM, BUT RATHER TO TRY TO TAKE CARE OF WHAT'S HAPPENED TO THEM THEMSELVES. YOU CAN HAVE A WOMAN WHOSE ASSAULT WAS AT THE HANDS OF HER HUSBAND, HER BOYFRIENDS, A FAMILY MEMBER OR SOMEONE JUST WASN'T PREPARED, DIDN'T REMAINS WHAT WAS GOING TO -- REALIZE WHAT WAS GOING TO HAPPEN, COULDN'T GET OUT OF IT. THESE WOMEN DON'T COME TO THE HOSPITAL AND SAY I'M A SEXUAL ASSAULT VICTIM. THEY MAY COME TO THE HOSPITAL AS DANIEL MENTIONED LATE IN THE TIME OF THE ALLOWABLE OR MEDICALLY APPROPRIATE TIME TO PROVIDE EMERGENCY CONTRACEPTION. AND THEY MAY HAVE DELAYED BECAUSE OF EMBARRASSMENT AND BEING ASHAMED AND THEY NEED THE PROTECTION OF THE CITY HOSPITAL. I MUST ALSO COMMENT THAT IF MS. HEYS WOULD HIKE TO SHOW ME A MEDICAL BEGINNING OF ABORTIOFACIENT THAT INCLUDES EMERGENCY CONTRACEPTION I WOULD BE HAPPY TO LOOK AT. ACCORDING TO THE TEXT THAT I HAVE READ EMERGENCY CONTRACEPTION IS NOT. THAT'S WHY I THINK IT'S SO IMPORTANT THAT THE CITY HOSPITAL HAVE CITY DEFINITIONS THAT ARE MEDICAL DEFINITIONS

THAT TRACK MEDICAL ACCURACY WITH THE AMERICAN COLLEGE OF OB/GYNS AND THE AMERICAN MEDICAL ASSOCIATION. AND THOSE THINGS I THINK ALL DISTRESS ME BECAUSE AS - - AS MAYOR PRO TEM HAS SAID, THIS IS SUPPOSED TO BE THE CITY HOSPITAL. WE ARE NOT LEASING PROPERTY FROM SETON TO PROVIDE THE CARE THAT WE WANT TO PROVIDE. IT'S SUPPOSED TO BE THAT -- IT THE CITY PROPERTY, WE ARE UNLEASING ESSENTIALLY, TO TRY TO PROVIDE QUALITY REPRODUCTIVE HEALTH CARE TO THE WOMEN OF AUSTIN, PARTICULARLY LOW INCOME WOMEN WHO ARE THE PATIENTS THAT WILL PRESENT. I JUST FEEL THAT THE CITY HOSPITAL NEEDS TO HAVE -- TO HAVE -- BE AUTONOMOUS AND BE ABLE TO PROVIDE THE SAME CARE THAT IS PROVIDED AT PARKLAND, JOHN PETERS SMITH, BEN TAUB, L.B.J., RETHOMMISON, ALL OF THE OTHER HOSPITALS IN OUR STATE AND OUR COUNTRY. THANK YOU.

GRIFFITH: MAY I ASK A QUESTION WHILE SHE'S THERE. MS. ROMBERG, IS IT YOUR IMPRESSION, WE HAVEN'T TALKED ABOUT THIS, BUT I HAVE TALKED TO SEVERAL PEOPLE WHOSE IMPRESSION IT IS THAT EMERGENCY CONTRACEPTION IS AVAILABLE NOW IN THE EMERGENCY ROOM FOR WHOEVER APPEARS AND ASKED FOR IT. IS THAT YOUR IMPRESSION.

WE UNDERSTOOD THIS WAS THE CASE WHEN WE MADE THE INQUIRY FOLLOWING THE SORT OF CRISIS OF LATE SEPTEMBER AND PHYSICIANS THAT WE ASKED INQUIRY SAID THAT THEY WERE TOLD THAT THERE WERE ESSENTIALLY NO PROPERTY COALS IN PLACE AT THAT TIME AND THAT THEY WERE PROVIDING EMERGENCY CONTRACEPTION PRETTY MUCH AS THE PATIENT PRESENTED AND WANTED IT. SO, YOU KNOW, AGAIN THAT'S -- THAT'S FROM A DOCTOR WHO

ASKED THE PHYSICIANS THERE.

IT MAY OR MAY NOT BE HISTORIC.

THAT'S RIGHT. AS A MATTER OF FACT, MAYOR GARCIA, THERE WAS A TIME WHERE MEDICALLY NECESSARY ABORTIONS WERE PROVIDED AT BRACKENRIDGE HOSPITAL, TOO. WHEN -- NOT ELECTIVE, IT'S NOT A PLACE FOR ELECTIVE PROCEDURES. IT'S WHEN WOMEN ARE IN CRISIS. AND THEIR HEALTH CARE IS REALLY SERIOUSLY COMPROMISED AND THERE IS NO OTHER ANSWER. THESE ARE INTENDED PREGNANCIES, THESE ARE WANTED PREGNANCIES, BUT SOMETHING GOES TERRIBLY WRONG WITH THE WOMAN. THAT'S WHAT WE ARE TALKING ABOUT. NO ONE IS SUGGESTING THAT A TERTIARY CARE HOSPITAL GO INTO ELECTIVE TERMINATIONS AT ALL. BUT WITH A -- IF A WOMAN PRESENTS IN TERRIBLE CIRCUMSTANCES, I THINK THAT SHE HAS EVERY RIGHT TO EXPECT FROM THE CITY HOSPITAL SHE WILL BE TAKEN CARE OF. ESPECIALLY SINCE THE OPTIONS FOR LOW INCOME WOMEN ARE PRETTY LIMITED EVERY. AND AUSTIN, YOU KNOW, TRIES TO DO A BETTER JOB AND WE HAVE IN MANY CASES. SO --

GRIFFITH: THANK YOU.

MAYOR GARCIA: [INAUDIBLE] WE WILL GO TO COUNCILMEMBER ALVAREZ.

GRIFFITH: OKAY. I JUST HAD TWO QUESTIONS IN TERMS OF THE PROPOSAL. WHO IS IN CHARGE, WHO IS REALLY IN CHARGE, THAT'S ONE. AND THE SECOND ONE IS HOW DO YOU DEFINE ABORTION. UNDER 19.3, THE LEASE CAN BE TERMINATED BY SETON IF THE CITY INTENTIONALLY AND KNOWINGLY PROVIDES.

ABORTIONS WITHIN THE NEW HOSPITAL. WE ARE AWARE THAT UNDER SOME CATHOLIC INTERPRETATIONS ABORTION CAN BE DEFINED TO INCLUDE THE TREATMENT OF HE OPIC PREGNANCIES WITH THE MEDICATION METHATEXALATE AS OPPOSED TO SURGICAL INTERSENSE. SOME FORMS HAVE ALSO BEEN DESCRIBED BY CATHOLIC THEOLOGIAN AS ABORT IFACIEN T. I NEED TO LEARN HOW TO PRONOUNCE THAT WORD, WHAT IT MEANS, AS HAS EMERGENCY CONTRACEPTION. IN ORDER TO PREVENT ANY DISAGREEMENTS, WE RECOMMEND THAT THE LEASE EXPLICITLY EXCLUDE CONTRACEPTION, EMERGENCY CONTRACEPTION, AND THE TREATMENT OF HE COULD TOPIC PREGNANCIES -- ECTOPIC PREGNANCIES FROM PROCEDURES THAT WOULD GIVE SETON CAUSE TO TERMINATE THE LEASE. IS THAT DOABLE?

THE -- THE ISSUES HERE ARE TWOFOLD. ONE IS THAT FROM THE BEGINNING OF THE LEASE, THE BOUNDARY COMPLETELY OUTSIDE OF THE LEASE WERE ABORTIONS AND ABORTIFACIENTS, I DID NOT MEAN TO SAY IF I DID SAY THAT ALL EMERGENCY CONTRACEPTIONS ARE SAME. INSTEAD I THOUGHT I SAID EMERGENCY CONTRACEPTIONS CAN ACT AT AN ABORTIFACIENT. IF A WOMAN IS OVULATING AND CONCEPTION MAY HAVE OCCURRED AND THIS MEDICATION DESTROYS THE -- THE CHILD THAT'S BEEN CONCEIVED, THAT IS A MEDICATION ACTING TO EFFECT AN ABORTION. SO IT IS IN THOSE TWO CIRCUMSTANCES, ABORTIONS, AND WHEN A MEDICATION WOULD HAVE THE EFFECT OF ABORTING A CHILD THAT HAD ALREADY BEEN CONCEIVED, THOSE THINGS HAVE -- HAVE BEEN -- WERE IN THE ORIGINAL LEASE, EVERY PIECE OF IT SAYS THAT THE LEASE EXCLUSIONS ABORTIONS AND ABORTIFACIENTS, THIS SAYS THEY WILL BE STILL EXCLUDED. THE SECOND THING I WANT TO SAY IS BECAUSE WE WOULD NOT RUN THE CITY HOSPITAL, IF THEY

WERE DONE THERE, THE EFFECT WOULD BE THAT WE WOULD HAVE TO STOP PROVIDING CERTAIN SERVICES THAT WE ARE PROVIDING UNDER THE PROPOSAL THAT'S ON THE TABLE FOR YOU. AS TRISH SAID, THE IMMEDIATE CONSEQUENCE WOULD BE THAT YOU WOULD HAVE TO PROVIDE THOSE SERVICES AND MY -- MY GUESS IS THAT THE -- THAT THE LONGER TERM CONSEQUENCE, IF THERE WAS AN INTENTIONAL DESIRE TO PROVIDE ABORTIONS AND ABORTIFACIENS THAT WE WOULD PROCEED TO UNRAVEL THE LEASE BECAUSE THEY HAVE ALWAYS BEEN OUTSIDE THE BOUNDARY.

GRIFFITH: SO WHO IS REALLY IN CHARGE?

I WOULD SIMPLY SAY THE BOUNDARIES ARE THE SAME AS THE ONES WE AGREED ON. AND MY POSITION ON THIS IS THAT WE HAVE COME TO YOU AND SAID, "WE WANT TO PROVIDE THIS SERVICE IN THE COMMUNITY, WE BELIEVE THAT WE CAN DO IT THE BEST. HERE ARE OUR LIMITS." AND THEN IT'S YOUR CALL OBVIOUSLY TO WORK WITH US OR NOT WORK WITH US. BUT THOSE LIMITS ARE THE SAME ONES AS WE CAME TO YOU WITH SEVEN YEARS AGO.

MAYOR GARCIA: OKAY. COUNCILMEMBER ALVAREZ?

ALVAREZ: OKAY, I THINK YOU ADDRESSED SOME OF MY QUESTIONS, BUT I STILL HAVE SOME FOLLOW-UP QUESTIONS. SO IN THE PART HERE THAT SAYS THE OSTEOWILL PROVIDE MEDICATIONS FOR THE PURPOSE OF EMERGENCY CONTRACEPTION TO WOMEN WHO HAVE EXPERIENCED RAPE OR SEXUAL ASSAULT, CONSISTENT WITH WHAT WAS DONE BEFORE AT BRACKENRIDGE, THAT MEANS EVEN IN THE CITY FACILITY YOU CAN ONLY PROVIDE THAT FROM A

CONTRACEPTION TO A WOMAN THAT -- THAT EXPERIENCED RAPE OR SEXUAL ASSAULT AND THAT WAS NOT OVULATING.

I WILL LET TRISH ANSWER THAT.

WE HAVE NO REQUIREMENT TO INSTITUTE OVULATION TESTING. WE WILL FOLLOW NORMAL MEDICAL PROTOCOL, WHICH IS TO TEST FOR PREGNANCY, BECAUSE YOU WOULD NOT ADMINISTER THIS MEDICATION IF SOMEONE WERE ALREADY PREGNANT. WE DO NOT -- WE ARE NOT REQUIRED TO DO OVULATION TESTING.

ALVAREZ: SO THEN -- OKAY, SO THEN THERE'S ANOTHER TEST, IF A SEXUAL ASSAULT OR RAPE VICTIM GOES TO OUR HOSPITAL, ON THE FIFTH FLOOR, AND REQUESTS THIS FORM OF CONTRACEPTION, SHE GETS IT REGARDLESS.

YES. WELL, ASSUMING THAT HER DOCTOR -- IT'S MEDICALLY INDICATED HER DOCTOR SAYS IT APPROPRIATE TO GIVE IT TO HER, YES.

HOW WOULD THAT BE DIFFERENT, YOU COULD BE OFF LATING, THERE COULD HAVE BEEN -- HOW WOULD THAT BE DIFFERENT --

I THINK THAT'S ONE OF THE REASONS WE WANT THE FIFTH FLOOR HOSPITAL WITHIN A HOSPITAL. WE CAN DO THE SURGICAL PROCEDURES, TUBAL LIGATIONS, ALL OF THOSE KINDS OF PROCEDURES. IN ADDITION WE CAN TREAT THE SEXUAL ASSAULT VICTIMS AND RAPE VICTIMS JUST AS YOU -- WITHOUT ANY ADDITIONAL TESTING OTHER THAN THE -- THE REQUIRED PREGNANCY TEST. I WOULD LIKE TO POINT OUT THAT THOSE PEOPLE THAT PRESENT THERE, THAT HAVE NOT BEEN SEXUALLY ASSAULTED, WHO

REQUIRING OR ASKING FOR HELP, TO VARIOUS REASONS, WE ARE GOING TO PROVIDE THAT HELP. WE ARE GOING TO MAKE SURE THAT THEY GET IN A TIMELY WAY TO ONE OF OUR CLINICS, GET HOOKED UP WITH A -- WITH A MEDICAL HOME, HAVE THE THOROUGH FAMILY COUNSELING THAT THEY NEED, AND THEN HAVE A PLACE TO COME BACK TO ON AN ONGOING BASIS TO KEEP NOT ONLY THAT CONDITION TREATED, BUT TO TAKE CARE OF THEIR OTHER MEDICAL NEEDS. SO -- SO I JUST -- I DON'T WANT ANYBODY TO THINK THAT WE ARE GOING TO LEAVE ANYBODY IN THE LUNCH WITHOUT CARE. THAT'S -- THAT'S NOT WHAT WE ARE GOING TO DO. AND WE WILL DO IT WHILE YOU TRY TO GET THEM -- IF THEY HAVE A FAMILY DOCTOR, WE WILL GET THEM BACK TO THAT FAMILY DOCTOR. IF THEY DON'T, WE WILL MAKE SURE THEY GET TO OUR CLINICS AND GET TREATED IN A TIMELY WAY.

ALVAREZ: JUST ONE MORE QUESTION. SO IN TERMS OF -- MS. HEYS I THINK YOU SPOKE TO THIS JUST A SECOND AGO. SO EITHER OF THESE PROCEDURES WERE PERFORMED, THEN SETON WOULDN'T HAVE TO PROVIDE THE -- THE SERVICES SPECIFIED IN THE ANCILLARY AGREEMENT. AND WHAT YOU ARE SAYING IS THAT IF THAT WERE TO OCCUR, THEN SETON WOULD ALSO MOVE TO TERMINATE THE LEASE ALTOGETHER?

I AM -- I AM ASSUMING THAT IF THE BASIC GUIDELINE THAT WE AGREED TO SEVEN YEARS AGO WAS -- WAS BROKEN, THAT THE IMMEDIATE EFFECT WOULD BE SENSE WHAT -- ALL WE CONTROL IN THIS IS THE ANCILLARY SERVICES WE PROVIDE. WE WOULD IMMEDIATELY -- WE WOULD STOP PROVIDING THEM IN AN ORDERLY WAY. WE WOULDN'T ENDANGER PATIENT SAFETY, BUT THAT WE WOULD NOT BE WILLING TO

CONTINUE IN A PARTNERSHIP WHERE
ABORTIONS AND ABORTIFACIENTS WERE BEING
PROVIDED. I WOULD THINK THAT WE WOULD BE
RAPIDLY TAKING THE NEXT STEP BEYOND THAT -
-

ALVAREZ: WHICH PART OF THE AGREEMENT
WOULD ALLOW TO YOU DO THAT?

IT'S REALLY NOT THE AMENDMENT TO THE
LEASE. BUT THE LEASE ITSELF.

MAYOR GARCIA: THE LEASE ITSELF.

ORIGINAL LEASE.

COULD YOU BRING THAT OVER TO
COUNCILMEMBER ALVAREZ? COUNCILMEMBER
ALVAREZ, CAN I RECOGNIZE COUNCILMEMBER
THOMAS? ARE YOU THROUGH WITH YOUR
QUESTIONS?

ALVAREZ: YES, MAYOR.

MAYOR GARCIA: COUNCILMEMBER THOMAS?

THOMAS: YES, I -- OKAY. ON THE SERVICES THAT
WE ARE TALKING ABOUT, BEFORE WE WENT INTO
THE AGREEMENT SEVEN YEARS AGO, DID
BRACKENRIDGE PROVIDE THE SERVICE AND I
ASKED THIS QUESTION YESTERDAY, WHY WAS
THE SERVICE IN THE -- IN THE SEXUAL ASSAULT,
WHY HAS IT ALWAYS BEEN SENT TO ST. DAVID'S,
DID WE EVER HANDLE THAT, DID WE EVER HAVE
THE TYPE OF NURSES -- I KNOW WE SAID
SOMETHING ABOUT HEALTH CARE
RECOMMENDED CERTAIN AREAS TO GO TO ST.
DAVID'S. THE QUESTION IS DID WE EVER

PROVIDE THAT SERVICE BEFORE WHEN THEY STARTED GOING TO ST. DAVID'S?

I CAN'T RESPOND TO ALL OF THAT. BUT THE HEALTH COMMUNITY DID MAKE THAT RECOMMENDATION AND ONE OF THE RECOMMENDATIONS IS THAT WE DIDN'T WANT THE DUPLICATION OF COSTS. WE WANTED ONE SPECIALTY AREA THAT REALLY WAS THE FOCUS FOR THE TREATMENT OF THE SEXUAL ASSAULT VICTIMS, THE RAPE VICTIMS. AND I THINK THAT -- THAT WAS ANOTHER REASON BEHIND IT. IF WE CAN GET ONE PLACE WHERE WE COULD KEEP WELL TRAINED NURSES AVAILABLE AND FOCUS ON THIS, SO THAT THE PUBLIC SAFETY DEPARTMENTS, WHETHER IT'S E.M.S. OR A.P.D., COULD -- COULD KNOW THAT THAT WAS THE PLACE THAT THEY WOULD TAKE THEIR VICTIMS. SO I THINK IT HAD A DUAL PURPOSE. IT WAS TRAIL TRYING TO PROVIDE A SPECIALTY SERVICE IN AN AREA WHERE WE COULD AFFORD TO KEEP UP THAT SPECIALTY. AS WE POINTED OUT LATER, IF YOU DO GET A SEXUAL ASSAULT VICTIM AT BRACKENRIDGE, WE DO DO THE NECESSARY FORENSIC EVIDENCE COLLECTION, BUT THEY DO NOT HAVE THE LEVEL OF TRAINING AND SUPPORT AS THE ST. DAVID'S CENTER. IS THAT -

THOMAS: WHAT I'M SAYING IS THAT MY EXPERIENCE, JUST LIKE THE YOUNG LADY GOT UP, AND SAID MOST OF THE CASES THAT GO INTO BRACK, AND-- AND -- JUST A MINIMUM, LET ME GET THROUGH TALKING. THE POLICY AS I UNDERSTAND IT ABOUT OVER THERE AT ST. DAVID'S IS THAT WHY IS IT THAT WE DON'T HAVE -- I STILL SAID THAT YESTERDAY, I THOUGHT ABOUT THIS LAST NIGHT. I UNDERSTAND WHAT YOU ARE SAYING IN ONE AREA. BUT WHAT IS IT ON A -- ON -- WHAT IS GOING TO PROTECT THAT PATIENT TO GO TO

BRACK AND THEN WE HAVE TO SHIFT THEM BACK OVER THERE AND THEY MIGHT BE ON THE BORDERLINE [INAUDIBLE].

I DON'T THINK WE ARE SAYING WE WOULD SHIP THEM BACK OVER THERE. IF THEY COME TO BRACKENRIDGE, THEY ARE GOING TO BE TREATED --

THE HISTORY HAS BEEN THAT WHEN A PATIENT COMES TO BRACKENRIDGE, THE PATIENT IS INFORMED THAT THE SAME PROGRAM EXISTS AT ST. DAVID'S AND MANY OF THOSE PATIENTS DECIDE THEY WANT TO BE TRANSFERRED AND GO TO ST. DAVID'S FOR THAT PROGRAM. IF THEY -- CURRENTLY. IF THEY DO NOT DECIDE TO DO THAT, WE WOULD DO A PREGNANCY TEST TODAY AND THEY WOULD -- COULD HAVE EMERGENCY CONTRACEPTION AT BRACKENRIDGE TODAY. AND WE WOULD ALSO DO THE FORENSICS TESTING. WE DON'T HAVE -- WE DON'T -- OUR -- THE PRIMARY PLACE IT'S DONE IN AUSTIN, THE NUMBERS TOM MAY NEED TO HELP ME, BUT THE ENGINES ARE SOMETHING LIKE -- THE NUMBERS ARE SOMETHING LIKE 60 INDIVIDUALS PRESENTING AT BRACKENRIDGE AND CHILDREN'S EMERGENCY ROOMS COMBINED, A SIGNIFICANT NUMBER OF WHICH ARE WAY AFTER THE 72 HOURS. THEY ARE ACTUALLY PART OF A CHILDREN'S PROTECTIVE SERVICE REFERRAL PROGRAM. IT WAY DOWN THE LINE. THE NUMBER AT ST. DAVID'S IS 200 AND SOME.

220, 240 TOO THAT'S THE FACTS ABOUT THE CURRENTS HISTORY, BUT IT WOULDN'T BE THAT SOMEONE WOULD BE REFUSED? TOM, DID I SAY SOMETHING WRONG?

LET ME ASK THIS, THIS MIGHT BE OUT OF YOUR RANGE, IS IT A POLICY TO THE E.M.S. IF THEY

ARE TRANSPORTING, IS IT A POLICY THAT THEY GO STRAIGHT TO ST. DAVID'S.

THE EMS WOULD CERTAINLY TAKE A WOMAN WHO HAD BEEN SEXUAL ASSAULTED TO ST. DAVID'S UNLESS SHE ABSOLUTELY SAID NO I DON'T WANT TO GO THERE, I WANT TO GO TO SETON MEDICAL CENTER, I WANT TO GO TO BRACKENRIDGE BECAUSE OF THE SAME PROGRAM OR HAD A TRAUMA.

AT THE NEW HOSPITAL, ARE WE GOING TO PROVIDE THIS SERVICE AT ALL, THE QUESTION THAT I JUST ASKED, ARE WE GOING TO STILL DO THE SAME --

THE SAME PROGRAM AT THE CITY HOSPITAL?

THE NEW HOSPITAL WITHIN A HOSPITAL.

WE WILL PROVIDE EMERGENCY CONTRACEPTION, BUT WE DO NOT ANTICIPATE HAVING THE SAME NURSES AND THE SAME PROGRAM AT THE CITY HOSPITAL FOR SEVERAL REASONS. THERE ARE VERY FEW OF THEM THAT ACTUALLY -- THEY ARE A SPECIALLY TRAINED NURSE, THE TRAINING IS PROVIDED BY THE STATE OF TEXAS. I DON'T KNOW WHAT ALL OF THE PROBLEMS HAVE BEEN, BUT I'VE BEEN TOLD BY MEMBERS OF SAFE PLACE THAT THERE HAVE BEEN ISSUES WITH GETTING THE NECESSARY TRAINING FOR MORE NURSES TO HAVE THAT. SO WE DO NOT ANTICIPATE RIGHT NOW ESTABLISHING ANOTHER SAME PROGRAM AT THE CITY HOSPITAL. WE HAVE TALKED WITH FOLKS AT SAFE PLACE ABOUT BECOMING PART OF THE SEXUAL ASSAULT TASK FORCE JUST AS E.M.S. IS, JUST AS A.P.D. IS, ST. DAVID'S IS AND AS BRACKENRIDGE IS RIGHT NOW. SO THAT WE CAN BE PART OF THAT TASK

FORCE THAT MEETS MONTHLY THAT HANDLES RAPE AND SEXUAL ASSAULT VICTIMS. WE INTEND TO PARTICIPATE IN THAT -- IN THAT PARTICULAR ASPECT OF THE HEALTH CARE COMMUNITY JUST LIKE BRACKENRIDGE'S.

THANK YOU.

GOODMAN: MAYOR? COULD I ASK, IF I COULD, THE LEGAL BEGINNINGS OF TWO WORDS -- THE LEGAL DEFINITIONS OF TWO WORDS THAT WERE -- ACTUALLY THREE WORDS THAT WE ARE TALKING ABOUT. IS THERE A -- IS THERE A DEFINITION FOR --

MAYOR GARCIA: YOU CAN STAY THERE. YOU CAN COME TO THE MICROPHONE.

GARZA: IF YOU GUYS WILL GO TO THE PODIUM AND TRY TO INTERPRET WHAT THESE WORDS MAY MEAN.

GOODMAN: FOR THE WORD COOPERATION. AND ANOTHER THREE WORDS FOR "MEDICALLY NECESSARY SERVICES ."

WITH RESPECT TO COOPERATION, I'M NOT SURE OF THE CONTEXT IN THE LEASE OR THE AMENDMENT WHERE YOU ARE REFERRING TO THAT. LET ME SKIP OVER TO MEDICALLY NECESSARY SERVICES. THERE IS A DEFINED TERM IN THE ORIGINAL LEASE FOR MEDICALLY NECESSARY SERVICES AND SO THE LEGAL -- I BELIEVE THEREFORE THAT FOR PURPOSES OF THIS DISCUSSION WE WOULD LOOK TO THAT DEFINED TERM IN THE LEASE.

GOODMAN: THAT'S WHAT I AM TRYING TO FIND

OUT. IT'S ON PAGE 10 OF THE ORIGINAL LEASE.
AND -- AND SHALL I READ IT?

GOODMAN: PLEASE.

SHALL MEAN THE FOLLOWING MEDICAL SERVICES TO THE EXTENT THAT SUCH SERVICES ARE PROVIDED AT OR THROUGH BRACKENRIDGE HOSPITAL AS OF THE DATE OF THIS LEASE. AND WOULD BE INCLUDED IN THE SCOPE OF COVERED SERVICES UNDER THE TEXAS MEDICAL ASSISTANCE PROGRAM, SOMETIMES REFERRED TO AS THE MEDICAID STATE PLAN FOR THE STATE OF TEXAS OR AS MEDICAID, TITLE 25, CHAPTER 29, TEXAS ADMINISTRATIVE CODE. AND THEN THERE FOLLOWS THREE CLAUSES THAT ARE INCLUDED WITHIN THAT DEFINITION. CLAUSE A, IN PATIENT HOSPITAL SERVICES IS DEFINED IN THE SOCIAL SECURITY ACT, SECTION 1861B, 42USC, SECTION 139510B. CLAUSE B READS OUTPATIENT HOSPITAL SERVICES AS DEFINED IN THE SOCIAL SECURITY ACT, SECTION 1861S2BC AND D, 42SSC, 1395, 10S2B, THE CLAUSE C PROVIDES, TO THE EXTENDED TO DELIVER THE SERVICES SET OUT IN SECTION 18.9 AND OTHERWISE REQUIRED BY THIS LEASE, THE SERVICES OF PHYSICIANS AND OTHER LICENSED HEALTH CARE PROFESSIONALS AND THEN THERE'S FOLLOWING THOSE THREE CLAUSES A PHRASE THAT READS AS FOLLOWS: OR SUCH OTHER SERVICES AS SETON AND THE CITY MAY MUTUALLY AGREE IN WRITING FROM TIME TO TIME DURING THE TERM PRUDENT TO THE -- PURSUANT TO THE PROVISIONS OF SEX 810.3 HERE OF.

GOODMAN: IS THERE IN WAY TO FINDS OUT WHAT LANGUAGE YOU ARE REFERRING TO IN ALL OF THOSE SECTIONS, SOCIAL SECURITY AND SO

ON.

YES, WE COULD HAVE COPIES MADE AVAILABLE TO YOU.

GOODMAN: THAT EASY ENOUGH TO DO FOR -- FOR RIGHT NOW TONIGHT?

I'M NOT SURE WE COULD GET IT TO YOU THIS EVENING. WE COULD GET IT TO YOU IN THE MORNING.

GOODMAN: IF SOMEBODY COULD CHECK AND SEE WHETHER THAT'S SOMETHING THAT YOU WOULD HAVE -- THAT WE WOULD HAVE TO WAIT FOR UNTIL THE MORNING OR WHETHER IT'S ACCESSIBLE ENOUGH TO GET COPIES TONIGHT. I'M LOOKING FOR ANYBODY WHO SHAKES YES OR -- NODS YES OR SHAKES NO.

MY NAME IS MICHAEL REGIRE I'M THE VICE-PRESIDENT FOR LEGAL AFFAIRS AND GENERAL COUNSEL FOR SETON. I WANTED DID ADD TO WHAT JOHN SAID, PERHAPS A LITTLE CONTEXT MIGHT HELP. THE DEFINITION OF MEDICALLY NECESSARY SERVICES IS THE TERM IN THE LEASE AGREEMENT THAT HAS -- IN SECTION 8.10 THE SCOPE OF THE CHARITY CARE UNDERTAKING, THAT'S THE SCOPE OF THE SERVICES THAT UNDER THE LEASE AGREEMENT SETON IS TO MAKE AVAILABLE TO ALL RESIDENTS OF THE CITY OF AUSTIN WITHOUT REGARD TO THEIR ABILITY TO PAY. THE EFFECT OF THE DEFINITION IS -- WAS AN ATTEMPT TO TAKE THE -- THE IN-PATIENT AND OUTPATIENT HOSPITAL SERVICES AT THE FEDERAL LEVEL AND SAY THOSE THAT ARE COVERED BY THE MEDICAID STATE PLAN AND THAT WERE ALSO PROVIDED AT BRACKENRIDGE PRIOR TO THE

LEASE AGREEMENT WOULD BE THE UNDERTAKING GOING FORWARD. THE DESIRE OF THE PARTIES OF CITY AND SETON WAS TO MAKE SURE THAT THAT CHARITY CARE UNDERTAKING, IF YOU WILL, WAS NOT -- WAS NOT MATERIALLY BROADER THAN THE MEDICAID PLAN BECAUSE YOU WANT TO MAKE SURE THAT PEOPLE WHO ARE MEDICAID ELIGIBLE HAVE EVERY INCENTIVE TO BE ENROLLED IN THE MEDICAID PROGRAM, PARTICIPATING IN THE MEDICAID PROGRAM. CORRECT. AS FAR AS WHETHER WE COULD GET THE DEFINITIONS TONIGHT, THAT -- THAT -- THERE ARE SOME -- SOME WAYS THAT THIS DEFINITION DOESN'T TRACK THROUGH. THERE ARE -- THERE ARE IN PATIENT-OUTPATIENT HOSPITAL SERVICES AT THE FEDERAL LEVEL THAT ARE NOT NECESSARILY COVERED UNDER THE MEDICAID STATE PLAN. IN TEXAS. AND SOME SERVICES THAT WERE COVERED UNDER MEDICAID WERE NOT NECESSARILY OFFERED AT THE BRACKENRIDGE FACILITY PRIOR TO THE LEASE AGREEMENT IN 1995.

GOODMAN: OKAY. THAT GIVES ME BETTER CLARITY, ACTUALLY. IS THERE ANY LANGUAGE THAT IS ACCEPTED IN STANDARD MEDICAL INSTITUTION LANGUAGE THAT -- THAT REFERS TO EMERGENCY MEDICAL NEEDS AND CARE PER SE?

CERTAINLY THERE'S THE EMERGENCY MEDICAL TREATMENT ACT, TREATMENT ACT TALA, THE FEDERAL STATUTE REFERRED TO AT THE WORK SESSION YESTERDAY. THAT'S THE -- THAT'S THE LAW THAT REQUIRES HOSPITAL EMERGENCY DEPARTMENTS TO PROVIDE A MEDICAL SCREENING EXAMINATION TO DETERMINE WHETHER A PATIENT HAS AN EMERGENCY MEDICAL CONDITION WITHOUT REGARD TO THAT PATIENT'S INSURANCE STATUS. IN THAT THE FEDERAL STATUTE HAS A DEFINITION OF

EMERGENCY MEDICAL CONDITION THAT IT'S NOT IN FRONT OF ME RIGHT NOW, BUT MY RECOLLECTION IS THAT IT IS -- A CONDITION THAT PROMOTES -- THAT POSES A GRAVE THREAT TO -- TO THE FUNCTIONING OF THE MAJOR BODY SYSTEMS, A LOSS OF LIMB, IT'S A FAIRLY -- IF YOU WILL, IT'S A FAIRLY GROSS DEFINITION OF EMERGENCY CONDITION.

GOODMAN: AND ONE LAST QUESTION, WE DON'T HAVE TO LOOK UP THE SOCIAL SECURITY STUFF ANYMORE. AT LEAST NOT FOR ME. IS THERE A SPECIFIC AND ACCEPTED DEFINITION OF GRAVE THREAT?

OIL.....I WOULD PROBABLY NEED TO KNOW MORE WITH THAT -- ABOUT THAT CONTEXT IN WHICH IT IS USED.

OBVIOUSLY IN REPRODUCTIVE SERVICES THAT'S AN ISSUE RIGHT NOW. I'M THINKING ABOUT THE HYPOTHETICAL SITUATION THAT MS. ROMBERG DISCUSSED OR MENTIONED. WHETHER THE CONFLICT IN -- IN SAVING A PATIENT'S LIFE WOULD NECESSITATE SETON SAYING THAT A VIOLATION OF THE CONTRACT HAD HAPPENED.

I THINK IF I'M -- IF I'M UNDERSTANDING YOUR -- IF I'M UNDERSTANDING YOUR QUESTION, YOU MAY BE ASKING -- I APOLOGIZE, I CAN'T REMEMBER THE EXACT QUESTION THAT MS. ROMBERG ASKED, AN ECTOPIC PREGNANCIES, IS THAT?

GOODMAN: THAT WAS ONE. BUT WHAT I WAS THINKING OF WAS A DEFINITE EMERGENCY SITUATION WHERE A PERSON WAS BROUGHT TO BRACK'S EMERGENCY ROOM, AND -- AND A PREGNANT WOMAN WITH -- WITH VIRTUALLY

LIFE THREATENING, I DON'T KNOW THE MEDICAL STANDARDS FOR LIFE THREATENING, GRAVE THREAT, ET CETERA, AND THERE WAS DANGER AND A NECESSITY, A MEDICAL NECESSITY FOR AN ABORTION, IT COULD NOT BE PERFORMED, AS I UNDERSTAND IT, EVEN IN THAT EMERGENCY SITUATION IN THE EMERGENCY ROOM BY SETON EMPLOYEES. SO IF IT WERE TO HAPPEN AT ALL, IT WOULD HAVE TO HAPPEN ON THE FIFTH FLOOR. AND IF IT WERE TO HAPPEN THERE, EVEN IN THOSE CIRCUMSTANCES, THAT WOULD BE A VIOLATION FOR SETON IN.

WELL, I WOULD SAY IT WOULD DEPEND UPON THE FACT OF THE PARTICULAR CASE. THE ETHICAL AND RELIGIOUS DIRECTIVES PROVIDE THAT -- THAT WHEN THE TREATMENT OF A -- OF A GRAVE PATHOLOGICAL CONDITION THAT IS AFFECTING THE WOMAN WHO IS PREGNANT CAN'T BE SAFELY DELAYED UNTIL THE END OF HER PREGNANCY, THAT CONDITION CAN BE TREATED EVEN WHERE THE UNINTENDED EFFECT OF THAT CONDITION IS TO TERMINATE THE LIFE OF THE UNBORN CHILD. SO IF A WOMAN IS PREGNANT AND DEVELOPS OVARIAN CANCER OR UTERINE CANCER, THAT CAN BE TREATED BECAUSE THE INTENTION IS TO SAVE THE WOMAN, YOU CANNOT POSTPONE THIS TREATMENT, YOU NEED TO SAVE HER LIFE, SAVE HER FROM CANCER. YOU DO NOT INTEND TO CAUSE THE DEATH OF THE UNBORN CHILD. THERE ARE -- THERE ARE SITUATIONS IN WHICH YOU CAN -- YOU CAN DISCUSS SITUATIONS OR IDENTIFY SITUATIONS WHERE THERE MIGHT BE OTHER CONDITIONS THAT THE CATHOLIC INSTITUTION WOULD NOT BE ABLE TO TREAT THE CONDITION OF THE WOMAN AND THE PHYSICIAN WOULD NEED TO MAKE A DECISION AT THAT POINT ABOUT WHETHER TO TAKE THE WOMAN TO ANOTHER INSTITUTION TO RECEIVE THE TREATMENT THE PHYSICIAN WANTED TO

ORDER.

GOODMAN: I'M ALSO ASSUMING THAT IT'S NOT UNHEARD OF THAT IF A WOMAN IS THAT BADLY INJURED, THE BABY ALSO -- IS INJURED.

CORRECT.

GOODMAN: WELL, I DON'T KNOW THAT I HAVE ANY REAL ANSWERS MAYOR, SORRY TO TAKE SO LONG. I AM REALLY LOOKING FOR STANDARD DEFINITIONS THAT ARE ACCEPTED BY VIRTUALLY ALL HOSPITALS AND LAWYERS AND I DON'T KNOW THAT WE ACTUALLY HAVE ANY.

GRIFFITH: MAYOR CAN I ASK FOR A QUALIFICATION WHEN THE MAYOR PRO TEM IS FINISHED. ARE YOU THROUGH? IN -- COULD YOU GO BACK TO THE MIC, PLEASE. I JUST HAVE ONE QUICK FOLLOW-UP QUESTION. IN THE CASE THAT THE MAYOR PRO TEM IS TALKING ABOUT, WHETHER IT IS -- WHERE IT IS NECESSARY TO -- TO DO THE ABORTION TO SAVE THE MOM, WHO MAKES THAT -- IF THIS PERSON WERE IN THE EMERGENCY ROOM, WHO WOULD MAKE THAT CALL AS TO WHETHER OR NOT IT WAS MEDICALLY NECESSARY?

THE PHYSICIAN IS ALWAYS GOING TO BE THE PERSON WHO WILL MAKE THE MEDICAL JUDGMENT ABOUT WHAT TREATMENT THE PHYSICIAN BELIEVES IS APPROPRIATE TO BE PROVIDED TO THE PATIENT. THE LIMITATION THERE WOULD BE THAT THE PHYSICIAN WILL BE LIMITED IN ANY HOSPITAL FACILITY, LIKE WHAT SERVICES OR PROCEDURES THAT HOSPITAL FACILITY EITHER IS CAPABLE OF PROVIDING CLINICALLY OR IS CAPABLE OF PROVIDING ACCORDING TO ITS VALUES AND ETHICAL

SYSTEMS. SO IN A CATHOLIC INSTITUTION, THE PHYSICIAN MAY DECIDE THAT THERE'S A MEDICAL INTERVENTION THAT HE OR SHE BELIEVES IS MEDICALLY INDICATED FOR THE MOTHER, BUT THAT THE CATHOLIC INSTITUTION DOES NOT PROVIDE AND CANNOT PROVIDE.

GRIFFITH: DOES THAT MEAN THAT THAT CAN'T BE PROVIDED IN THE EMERGENCY ROOM AT BRACKENRIDGE?

THAT COULD BE CORRECT, YES, THERE COULD BE CASES, THAT'S CORRECT.

GRIFFITH: THANK YOU.

MAYOR GARCIA: THERE IS A MOTION BY COUNCILMEMBER -- AN AMEND TO THE MOTION BY COUNCILMEMBER -- I MEAN MAYOR PRO TEM AND -- MS. HEYS, YOU ADDRESSED THE TWO ISSUES, BUT THEN YOU DIDN'T ADDRESS THE THIRD ISSUE.

[ONE MOMENT PLEASE FOR CHANGE IN CAPTIONERS]

UNDER THE CURRENT LEASE WE DO HAVE PROVISIONS TO GET THE FINANCIAL DATA WE NEED TO AUDIT PARTICULARLY THE CHARITY CARE PAYMENT. WE MAKE A 5.6-MILLION-DOLLAR PAYMENT TO SETON. THEY'RE SUPPOSED TO PROVIDE THE MINIMUM CARE THAT THEY'RE REQUIRED TO BY THE STATE. AND THEN ON TOP OF THAT, IF THEY DO UP TO 5.6, WE'LL PAY THEM THAT AMOUNT. THAT WE HAVE MADE ARRANGEMENTS WITH THEIR EXPERIMENT AUDITORS AND THEY PROVIDE US STATEMENTS ABOUT THE LEVEL OF CHARITY CARE THAT'S DONE E.P.A. YEAR. THAT'S ONE OF THE WAYS

WE'VE COVERED THAT. UNDER THE NEW LEASE ARRANGEMENTS, THE ONLY CONTACT WE WILL HAVE WITH SETON IS WHEN WE PURCHASE THE ANCILLARY SERVICES. EACH YEAR WHEN WE SET THE BUDGET, WE WILL SIT DOWN AND NEGOTIATE WHAT THOSE SERVICES WILL COST. FOR EXAMPLE, THE HOUSEKEEPING SERVICE, WHAT FOR YOU. AND JUST AS IF YOUR OWN HOME YOU MAY HIRE A HOUSEKEEPING SERVICE TO COME IN, CLEAN YOUR HOUSE, YOU GREE WHAT YOU'RE GOING TO PAY THEM AND YOU PAY THEM THAT, WE REALLY DON'T HAVE THE RIGHT TO GO BACK AND REQUIRE THERE FINANCIAL STATEMENTS. IN THIS INSTANCE I THINK IF YOU HAD ANY AUDIT REQUIREMENTS AT ALL, IT WOULD BE VERY LIMITED TO THE ALLOCATION METHODOLOGY THAT THEY USE TO, SAY, ALLOCATE OUR ELECTRIC BILL OR ALLOCATE THE WATER BILL. OTHER THAN THAT, THERE'S REALLY NO INTERPLAY BETWEEN SETON AND THE NEW HOSPITAL FINANCIALLY. SO I THINK IF YOU READ THIS, IT SAYS THAT IT WOULD LIMIT IT TO THOSE THINGS THAT ARE RELATING TO THE EXECUTION OF THE LEASE AMENDMENT, AND IN THIS CASE IT WOULD SIMPLY -- IF YOU DID ANYTHING AT ALL, WHICH I REALLY DON'T THINK YOU NEED TO DO, LIMIT IT TO WHATEVER ALLOCATION METHOD THEY USE FOR THOSE PARTICULAR SERVICES WE'RE BUYING FROM THEM. NOW, YOU NEED TO ALSO REMEMBER THAT IN THIS SCENARIO REMEMBER THE FINANCIAL -- THE WAY THE FINANCIAL STATEMENTS LOOK FOR OUR NEW HOSPITAL. WE GET THE REVENUE IN FOR MEDICAID, MEDICARE, MAP OR WHEREVER FOR THE SERVICES WE PROVIDE OUR PATIENTS, AND THEN FROM THAT REVENUE WE SUBTRACT ALL THE EXPENDITURES, INCLUDING THE SERVICES THAT WE BUY FROM SETON. AND IN THAT NEGATIVE BOTTOM LINE IS OFFSET AGAINST THE CHARITY PAYMENT WE MAKE TO SETON. SO THERE REALLY IS NO INCENTIVE FOR SETON TO CHARGE US MORE

BECAUSE IN ESSENCE THEY WILL BE LOSING MONEY FROM THE CHARITY CARE PAYMENT. SO I THINK WE REALLY HAVE ENOUGH INFORMATION BECAUSE WE -- WE CERTAINLY CAN AUDIT THE UTILITY BILLS BECAUSE WE SEND THEM ALL, EXCEPT FOR GAS. AND IF YOU WANTED TO ADD ANYTHING, I WANTED TO LET YOU KNOW THE DATA THAT WE WOULD ACTUALLY BE LOOKING AT IS SIMPLY AN ALLOCATION METHOD BECAUSE THAT'S THE ONLY THING WE'RE BUYING FROM THEM.

GOODMAN: MAYOR?

MAYOR GARCIA: MAYOR PRO TEM?

GOODMAN: THE REASON I THOUGHT THAT WAS AN ACCEPTABLE AMENDMENT IS BECAUSE IT IS SO VERY NARROWLY FOCUSED AND YOU MADE THE ARGUMENT YOU'RE SELF THAT IT'S FAIRLY INKNOCK CUSS, FAIRLY AMBIGUOUS INFORMATION AND SHOULD CAUSE NOBODY HEART BURN.

WHAT I'M SAYING THERE IS I WAS JUST TRYING TO EXPRESS, YOU'VE SAID IT EXACTLY, IT IS A VERY NARROW AUDIT FUNCTION, JUST BASED ON THE ALLOCATION OF THE THINGS WE BUY. AND IN THAT NARROW FUNCTION, I'M ASSUMING THAT SETON WOULD NOT HAVE A PROBLEM, BUT I THINK THEY UNDERSTOOD IT WOULD OPEN UP EVERYTHING. AND THAT CERTAINLY, I DON'T THINK, THE INTENT OF THIS. AND IT WOULDN'T BE APPROPRIATE BECAUSE THE ONLY THING WE'RE BUYING ARE THESE ANCILLARY SERVICES. SO I THINK IT IS VERY NARROWLY TAILERED.

IT IS PERTINENT TO THE EXECUTION OF THIS LEASE AMENDMENT. AND WHAT IT DID IS JUST

ADD THE AUDITORS AS ONE OF THE CITY PEOPLE WHO WOULD BE -- [INAUDIBLE].

I'M TOM GALLAGHER WITH SETON. I'M THE INTERIM PRESIDENT OF BRACKENRIDGE AND CHILDREN'S. I THINK FROM SETON'S PERSPECTIVE, TO THE EXTENT WE ARE ALLOCATING ANY COSTS THAT WE INCUR TO THE CITY AS THE FORMULA FOR PRICING THESE ANCILLARY SERVICES, I THINK THE ANSWER IS YES, WE COULD UNDERSTAND THE CITY WANTING TO HAVE A PROCESS TO REVIEW THAT ALLOCATION OF COSTS WE'RE INCURRING. TO THE EXTENT WE SIT DOWN UP FRONT AND AGREE, THE HOUSEKEEPING SERVICES ARE GOING TO COST \$22 PER SQUARE FOOT AND DIETARY IS GOING TO COST, YOU KNOW, \$50 A DAY, THOSE ARE NEGOTIATED PRICES THAT DON'T HAVE, YOU KNOW, ALLOCATION OF COSTS COMPLEXITIES TO IT. SO I THINK IT WOULD LIMIT IT TO A REVIEW IN THOSE SERVICES FOR WHICH THE PRICE IS DETERMINED BY AN ALLOCATION OF COSTS THAT SETON INCURS. WE WOULD BE OKAY WITH THAT NARROW APPROACH TO REDOING IT.

.
GOODMAN: WELL, I READ THE SPECIFIC LANGUAGE. IS THAT HOW YOU WOULD INTERPRET IT?

NO, I INTERPRET THE LANGUAGE TO BE BROAD THAT IT HAS THE RIGHT TO ACCESS, EXAMINE, ANALYZE, VERIFY RECORDS, ACCOUNTS, DATA RELATED TO THIS LEASE AMENDMENT. YOU KNOW, SO I VIEW THAT AS VERY BROAD. IT ISN'T FOCUSED JUST ON THOSE SERVICES -- YOU KNOW, THE ANCILLARY SERVICES FOR WHICH THE PRICE IS DERIVED BY AN ALLOCATION OF

COSTS THAT SETON INCURS.

GOODMAN: SO WHAT YOU'RE SAYING IS YOU WOULDN'T WANT ANYBODY DELVING INTO A SUBJECTIVE COST.

OR A NEGOTIATED PRICE. ONE THAT ISN'T BASED ON WHAT COSTS SETON INCURS, BUT RATHER -- .

I THINK ON THE AREA OF THE NEGOTIATED PRICE, ALL OF THOSE, IF I'M NOT MISTAKEN, ALL OF THOSE PARTICULAR SERVICES WE COULD GO PURCHASE FROM SOMEBODY ELSE IF WE DIDN'T LIKE SETON'S PRICE. FOR EXAMPLE, HOUSEKEEPING. THAT'S SOMETHING THAT WE CAN GO GET SOMEPLACE ELSE. THE THING THAT'S MOST DIFFICULT AND THE THING I THINK THAT THIS PROBABLY BE END UP BEING LIMITED TO JUST BECAUSE OF THE NATURE OF WHAT WE BUY FROM THEM WILL BE THOSE THINGS THAT LIKE ELECTRIC UTILITY, WATER UTILITY, THEIR GAS UTILITY, THOSE THINGS WHERE THEY GET ONE BILL AND THEY HAVE TO ALLOCATE IT TO A CERTAIN SERVICE. THESE HOUSEKEEPING SERVICES ARE PROVIDED BY THEIR OWN EMPLOYEES. AND SO THEY'RE JUST GOING TO GIVE US A PRICE. AND IF WE DON'T LIKE IT, WE CAN GO HIRE OTHER OWN HOUSEKEEPERS OR WE CAN GO GET ANOTHER SERVICE. SO I THINK BECAUSE OF THE NATURE OF THE THINGS WE BUY, IN THE END IT WOULD PROBABLY BE VERY NARROWLY LIMITED, BUT THAT'S MY OPINION. MR. GALLONLER FEELS A LITTLE BIT MORE UNCOMFORTABLE, BUT I THINK I'VE LOOKED AT THOSE AND I THINK THOSE ARE THE ONLY THINGS THERE'S AN ALLOCATION ON.

THE ALLOCATION AGREEMENT AS DRAFTED DOES INCLUDE A PROVISION THAT THE CITY CAN GO

PURCHASE ANY OF THOSE SERVICES FROM SOMEONE ELSE IF THEY BELIEVE THAT THEY CAN GET A LOWER PRICE. I WOULD SAY -- WHAT I TRIED TO SAY IS THOSE THINGS THAT ARE ALLOCATIONS OF THE COSTS AND UTILITIES MAY BE A GOOD EXAMPLE BECAUSE WE MAY NOT HAVE SEPARATE METERS MEASURING CONSUMPTION ON THE FIFTH FLOOR COMPARED TO THE REST OF THE HOSPITAL. I MEAN, SETON WOULD BE WILLING TO WORK WITH THE CITY ON A REVIEW OF THE ALLOCATION PROCESS WITH THOSE UTILITY COSTS THAT ARE ALLOCATED TO THE CITY.

GOODMAN: AGAIN, LET ME TRY TO EXPLAIN WHAT ATTITUDES THAT I'M COMING TO THIS WITH. WE TRUSTED SETON TO RUN THE CITY HOSPITAL BECAUSE OF AN EXCELLENT RECORD OF SERVICE NOT ONLY HERE, BUT ELSEWHERE IN THE COUNTRY. AND BECAUSE OF THE COMMITMENT TO CHARITY CARE AND SO ON. SINCE SETON HAS BEEN MANAGING BRACKENRIDGE, THERE HAS BEEN GREAT IMPROVEMENT TO THE PHYSICAL PLANT, THERE HAS BEEN WONDERFUL IMPROVEMENT IN THE SERVICES IN THE CHILDREN'S HOSPITAL, THE TRAUMA CARE IS EVEN BETTER THAN IT EVER WAS, AND IT ALWAYS WAS REALLY GOOD. BUT IT'S STILL THE CITY'S HOSPITAL AND WE HAVE NOT GIVEN AWAY OR SOLD THE HOSPITAL. AND OBVIOUSLY WE'RE STILL TRYING TO STICK WITH A COMMITMENT FROM THE COMMUNITY ON THE ISSUES THAT ARE IMPORTANT TO MANY IN THE COMMUNITY AND WHO HAVE ALWAYS MADE IT PART OF THE CITY'S COMMITMENT IN KEEPING AND OPERATING THAT HOSPITAL THE WAY THE REST OF THE COUNTY'S DO IT. I'M NOT SURE IF I WAS ALIVE WHEN THAT CHANGED HAND, BUT, WHAT WAS IT, 107 YEARS AGO OR SOMETHING LIKE THAT? ANYWAY, BUT THE COMMITMENT IS STILL THERE AND EVEN THOUGH WE HAVE HAD BAD LUCK WITH MANAGEMENT BACK SOME

YEARS IN FINDING A REALLY GOOD ADMINISTRATIVE AND OPERATIONAL TEAM TO MANAGE IT AND EVEN THOUGH SO MANY THINGS WERE HAPPENING RIGHT THEN THAT MADE IT IMPOSSIBLE FOR US TO STAY ON TOP AS JUST A CITY HOSPITAL WITHOUT THE RESOURCES AND EXPERTISE THAT A LARGER SYSTEM BRINGS, THE COMMITMENT HAD TO STAY NO MATTER WHO WAS ABLE TO COME IN AND TAKE OVER MANAGEMENT OF THAT HOSPITAL. AND IT'S KIND OF BEYOND EVEN WOMEN'S REPRODUCTIVE SERVICES AND THE ISSUES THAT ARE COMING UP HERE. IT'S ALMOST -- WELL, SOMETIMES IT'S AS IF -- I'LL WAIT FOR JOHN TO FINISH.

GO AHEAD.

GOODMAN: SOMETIMES IT'S AS IF SETON HAS TAKEN OWNERSHIP OF THE HOSPITAL. AND I KNOW THAT A LONG-TERM LEASE MAKES THAT ALMOST A PRACTICAL CONSIDERATION THAT YOU HAVE TO THINK OF IN ORDER TO INVEST NOT ONLY TIME, BUT MONEY AND ALL OF THAT. NONETHELESS, IT IS STILL THE CITY'S. AND WE'RE ALL TRYING TO FIND A WAY TO COME TOGETHER WITH ALL THE NEEDS OF THE CITY AND THE COMMUNITY'S COMMITMENT AND ACCOMMODATE A RELIGIOUS DIRECTIVE THAT IS IN DIRECT CONTRIBUTION TO SOME OF THE COMMUNITY COMMITMENTS. SO THINGS LIKE THIS, LIKE THE AUDITING OPPORTUNITY ARE IN ESSENCE SORT OF LIKE A CONSUMER ADVOCACY POSITION. IT'S NOT AN ACCUSATION, IT'S NOT A TOOL TO TRY TO FIND WRONGDOING. IT IS A PUBLIC PROTECTION. AND I'M JUST SOMETIMES NOT UNDERSTANDING WHY ANY VERY PUBLIC AND VERY ADMIRABLE ENTITY LIKE SETON WOULD FIND A DIFFICULTY WITH THAT, ESPECIALLY WHEN IT IS NOT BROADLY DEFINED, BUT IT IS VERY NARROWLY FOCUSED ISSUES ONLY IN REGARD TO THIS LEASE AMENDMENT. I

DON'T THINK THAT CAN BE CHARACTERIZED AS BROAD.

WELL, AND I RESPECT YOUR COMMENTS BECAUSE CLEARLY SETON IS IN THIS PARTNERSHIP WITH THE CITY BECAUSE WE BELIEVE THERE'S GOOD THAT COMES TO THE COMMUNITY AS A RESULT OF THAT. AND I KNOW YOU DO TOO. OUR ONLY ISSUE IS, YOU KNOW, WE THOUGHT WE HAD RESOLVED FINANCIAL ISSUES WHEN WE NEGOTIATED THE LEASE SEVEN YEARS AGO OZ TO WHAT INFORMATION WOULD BE PROVIDED TO THE CITY. THIS NEW LEASE AMENDMENT DOES RAISE A NEW WRINKLE IN TERMS OF THE ANCILLARY SERVICES THAT SETON WILL BE PROVIDING THE CITY. AND WE ARE WILLING, AS I TRIED TO SAY A FEW MINUTE AGO, WE ARE WILLING TO ALLOW THE CITY, THE ACCESS TO REVIEW THOSE ANCILLARY SERVICES THAT ARE PROVIDED TO THE CITY THAT ARE BASED ON AN ALLOCATION OF COSTS OF SETON. JOHN STEVENS HAS PROPOSED SOME WORD TO THAT EFFECT, BUT I COULD READ FOR YOU.

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GOODMAN: WELL, I THINK THAT IS EVENING MORE NARROWLY FOCUSED THAN THE ORIGINAL INTENT AND I DON'T THINK I'M COMFORTABLE IN NARROWING IT DOWN FURTHER THAN THAT. MAYBE WE CAN ALL TALK ABOUT THAT A LITTLE BIT AND PERHAPS DEFINE MORE CAREFULLY WHAT THE ISSUES ARE THAT ARE PERTINENT TO THIS LEASE AMENDMENT. I DON'T KNOW. SORRY, MAYOR, THAT'S IT FOR ME.

GRIFFITH: MAYOR? YES. LET ME JUST READ THE LANGUAGE IN QUESTION. THE PHRASE TO LOOK FOR IS PERTINENT TO THE EXECUTION OF THIS LEASE. THIS IS NOT A WHOLESALÉ THING. THIS

IS ONLY WHAT IS PERTINENT TO THE EXECUTION OF THIS LEASE. THE OFFICE OF THE CITY AUDITOR SHALL HAVE THE RIGHT TO ACCESS, EXAMINE, ANNUALIZE AND VERIFY BRACKENRIDGE'S RECORDS, ACCOUNTS AND DATA PERTINENT TO THE EXECUTION OF THIS LEASE. WE REALLY NEED TO DO THAT. THIS LEASE AMENDMENT AND RECORDS, ACCOUNTS AND DATA MAINTAINED BY OUTSIDE CONTRACTS HIRED BY SETON AND BY THE CITY OF AUSTIN. OUR AUDITOR IS HERE. I'D LIKE TO ASK HIM TO COME UP SO WE CAN TALK ABOUT SOME OF THE ORIGINS OF THIS PART OF THE PROPOSAL. THERE ARE -- HI, MR. MORGAN.

HI.

GRIFFITH: THERE ARE SEVEN UNRESOLVED FINANCIAL ISSUES WHICH WE'VE BEEN TALKING ABOUT. AND WE ALL WANT TO WORK THOSE OUT EVENTUALLY. WE WOULD ALL LIKE TO FIND SOLUTIONS TO THOSE UNRESOLVED ISSUES. AND I WANT TO THANK YOU FOR HELPING DRAFT THE LANGUAGE OF THIS PARAGRAPH. WOULD HAVING THIS PARAGRAPH IN THE LEASE HELP TO RESOLVE SOME OF THOSE ISSUES THAT WE'VE BEEN TALKING ABOUT THAT ARE UNRESOLVED AT THIS TIME?

I THINK IT WOULD HELP SOME -- RESOLVE SOME OF THOSE ISSUES. I DO THINK THAT THE KEY PHRASE, LIKE YOU SAID, IS PERTINENT TO THE EXECUTION OF THE LEASE. HOWEVER, ON A PRACTICAL BASIS, PROBABLY ONE OF THE FOCAL POINTS WOULD BE THE ALLOCATED COSTS. THERE ARE A NUMBER OF ALLOCATED COSTS BEYOND HOUSEKEEPING THAT I SAW ON A LIST. I DON'T KNOW HOW OFFICIAL THE LIST WAS, BUT IT WAS A RESPONSE TO COUNCIL QUESTIONS AND IT INCLUDED SECURITY COSTS, RADIOLOGY, HOUSEKEEPING, MAINTENANCE. IT

DIDN'T INCLUDE UTILITIES, BUT I ASSUME UTILITIES WOULD BE PART OF IT. I DO THINK ON A PRACTICAL BASIS A LOT OF THE FOCUS WOULD BE ON THE ALLOCATED COSTS. IF WE INCLUDE THE LANGUAGE PERTINENT TO THE LEASE, I THINK IT DOES NARROW IT, BUT IT ALSO LEAVES OPEN THE POSSIBILITY THERE MAY BE SOME OTHER FINANCIAL ISSUES THAT WE WOULD HAVE TO LOOK INTO.

GRIFFITH: DO YOU SEE ANYTHING IN THIS PARAGRAPH THAT SHOULD BE FROM THE AUDITOR'S STANDPOINT INVASIVE OR OBJECTIONABLE?

NOT ONLY THAT, BUT MY VIEW IS THAT ANY TIME THE CITY OF AUSTIN ENGAGES IN A LONG-TERM, ONGOING RELATIONSHIP WITH ANOTHER ENTITY THAT WE SHOULD HAVE AN AUDIT CLAUSE IN THE AGREEMENT. I WASN'T EVEN INVOLVED OBVIOUSLY SEVEN YEARS AGO WHEN THIS WAS NEGOTIATED, BUT I THINK THAT THERE IS THE CONCEPT IN THE ORIGINAL AGREEMENT OF THE OVERSIGHT BOARD WHICH INDICATES A NEED FOR ONGOING FINANCIAL MONITORING. AND I THINK THE FACT IS THAT ONE OF THE ROLES THAT THE AUDITOR PLAYS IS TO HELP -- ESSENTIALLY HELP PROTECT THE CITY AND MINIMIZE OUR RISK ANY TIME THAT WE GET INVOLVED IN AN ONGOING RELATIONSHIP. BUT ON A PRACTICAL LEVEL, I THINK WE'RE MOSTLY JUST TALKING ABOUT THE ALLOCATED COSTS AND MAKING SURE THAT THAT WORKS OUT THE NEXT FEW YEARS.

GRIFFITH: AND TIGHTENING IT UP, I KNOW THAT THE PRESENT SYSTEM HAS NOT BEEN SATISFACTORY IN TERMS OF OPENNESS AND SHARING OF INFORMATION WITH THE OVERSIGHT COMMITTEE. THEY HAVE NOT BEEN -- HAVE NOT RECEIVED ALWAYS WHAT THEY HAVE

ASKED FOR. AND IT'S BEEN, I UNDERSTAND, A PRETTY CLOSED OPERATION. AND I'M HOPING THAT THIS AUDIT CLAUSE, SINCE WE HAD NO AUDIT CLAUSE WHATSOEVER BEFORE, IS NARROW AND ONLY ASKS FOR WHAT IS PERTINENT TO THE LEASE. IT'S LIKE GOOD FENCES MAKE GOOD NEIGHBORS, AND I THINK THE TRUST AND THE RELATIONSHIP, IF WE HAVE THIS AUDIT CLAUSE, WILL BE IMPROVED. AND CERTAINLY THE CONFIDENCE OF THE COMMUNITY WILL BE.

I AGREE. I THINK IT WOULD BE PRUDENT ON THE PART OF THE CITY.

MAYOR AND COUNCIL, ONE OF THE DIFFICULTIES THAT THIS PROVISION -- NOTWITHSTANDING WHAT MR. MORGAN SAID, WHICH I COMPLETELY AGREE WITH, CREATES AND THIS LEASE WAS NEGOTIATED SEVEN YEARS AGO AND EXECUTED SEVEN YEARS AGO. THE REOPENER HAD TO DO WITH A VERY NARROW SERVICE THAT WE'VE NEGOTIATED A CHANGE TO. AND AS STEVE SAID A MINUTE AGO, HE DOESN'T SEE THIS AS STOPPING JUST AT THIS, BUT YOU NEED TO GO LOOK AT A LOT OF OTHER DATA TO ACTUALLY GET A FOUNDATION OF WHETHER IN FACT THIS WILL LEAD YOU TO DETERMINE WHETHER THE PRICES THAT HAVE BEEN CHARGED TO US ARE DEDUCTED FROM THE WAY WE'VE WORKED OUT THE FINANCIAL ARRANGEMENT ARE APPROPRIATE. BUT IT CHANGES THAT FUNDAMENTAL AGREEMENT THAT WE DID SEVEN YEARS AGO. I THINK WHAT THE CITY WAS REALLY WORRIED ABOUT IN '95 WAS NOT ONLY HAD WE EXPERIENCED A SIGNIFICANT FINANCIAL LOSS AT BRACKENRIDGE, WE REALIZED THAT WHEN WE SAW THE MEDICAL MARKET FOR ACUTE CARE THAT REALLY THERE WERE TWO SYSTEMS THAT BEGAN TO MANIFEST THEMSELVES. ONE WAS THE COLUMBIA HEALTH CARE SYSTEM,

WHICH WAS IN THE PROCESS OF ENTERING INTO A PARTNERSHIP WITH ST. DAVID'S. WE SAW THE SETON MEDICAL NETWORK AND WE HAD OUR HOSPITAL. AND OUR HOSPITAL HAD NOT BEEN PHENOMENALLY SUCCESSFUL IN MANAGING ITS DAY-TO-DAY OPERATIONS, NOT BECAUSE WE COULDN'T DO IT, BUT BECAUSE IN THE NEW MARKET OF MEDICAL CARE, WE WERE AT A COMPETITIVE DISADVANTAGE, AND WE UNDERSTOOD THAT. AND I THINK THAT WHEN WE ENTERED INTO THIS AGREEMENT WITH SETON, IT WAS TO DEAL WITH TRYING TO ENSURE THAT BRACKENRIDGE HOSPITAL CONTINUED TO EXIST. IT'S BEEN IN EXISTENCE SINCE 1894. WE'VE HAD IT IN OPERATION SINCE 1904. SO IT COULD CONTINUE TO SERVE THE COMMUNITY AND THE PUBLIC. IT CONTINUED TO HAVE A STANDARD OF CARE WHERE WE WOULD SERVE ANYONE TO CAME IN THE DOORS REGARDLESS OF THEIR ABILITY TO PAY AND WE MAINTAINED THAT STANDARD, AND SETON TODAY MAINTAINS THAT STANDARD. WE PROVIDE 5.6 MILLION DOLLARS FOR CHARITY CARE. WE HAVE A LITTLE OVER SIX MILLION DOLLARS, SIX PLUS MILLION FOR DOCTORS OR PHYSICIAN SERVICES. AND WE HAVE ADDITIONAL CARE FOR THE MAP PROGRAM. THOSE ARE THINGS THAT WE AGREED WE WOULD CONTINUE TO DO AT OVER TWO MILLION DOLLARS A YEAR THAT WE SPEND ON THIS ACUTE CARE FACILITY. IN ADDITION TO THAT WE SPEND A SIGNIFICANT SUM OF MONEY IN OUR PRIMARY HEALTH CARE SYSTEM. AND I UNDERSTAND THAT THIS ISSUE IS A VERY, VERY DIFFICULT ISSUE AND I DON'T WANT TO MINIMIZE ITS IMPORTANCE OR ITS SIGNIFICANCE TO OUR COMMUNITY. WE HAVE TRIED TO CRAFT THIS IN A WAY SO THAT THE PARTNERSHIP THAT PROVIDES CARE FOR A LOT OF OTHER THINGS THAT HAPPENS IN THIS COMMUNITY CAN CONTINUE TO SURVIVE. AND I THINK MR. STEVENS IS TELLING -- I WILL GET

OFF MY SOAPBOX.

TOM GALLAGHER OF SETON AND I HAVE BEEN WORKING ON SOME MODIFICATIONS TO THIS LANGUAGE THAT I THINK ADDRESSES CERTAINLY PART OF THE CONCERNS THAT WE'VE HEARD. AND I AGREE WITH STEVE THAT FROM A PRACTICAL PERSPECTIVE, THE ALLOCATED COSTS TO THE CITY AND THE ANCILLARY SERVICES AGREEMENT ARE PROBABLY THE MOST IMPORTANT THING TO AUDIT OR PERHAPS ONE OF THE MOST IMPORTANT THINGS. I THINK ANOTHER IMPORTANT THING TO AUDIT THAT SETON HAS AGREED COULD ALSO BE AUDITED ARE THE 9.3 MILLION IN CONSTRUCTION COSTS ON THE FIFTH FLOOR SO THAT THE LANGUAGE, THE MODIFICATION TO THE LANGUAGE THAT'S IN THIS RESOLUTION NOW WOULD READ -- THE LANGUAGE WOULD READ EXACTLY THE SAME AS IT DOES NOW UNTIL YOU GET TO THE POINT WHERE IT SAYS, AND VERIFY BRACKENRIDGE'S RECORDS, ACCOUNTS AND DATA PERTINENT TO THE ALLOCATED COSTS OF SERVICES PROVIDED TO THE CITY THROUGH THE ANCILLARY SERVICES AGREEMENT AND TO THE COSTS OF CONSTRUCTION OF THE FIFTH FLOOR.

GOODMAN: COULD YOU SAY THAT ONE MORE TIME?

YES. I'LL READ IT IN ITS ENTIRETY AS IT WOULD READ. THE OFFICE OF THE CITY AUDITOR SHALL HAVE THE RIGHT TO ACCESS, EXAMINE, ANALYZE AND FIRE PHI BRACKENRIDGE'S RECORDS, ACCOUNTS AND DATA PERTINENT TO THE ALLOCATED COSTS OF SERVICES PROVIDED TO THE CITY THROUGH THE ANCILLARY SERVICES AGREEMENT. AND TO THE COSTS OF CONSTRUCTION OF THE FIFTH FLOOR.

MAYOR GARCIA: CAN WE GET SOMEBODY FROM THE BACK SO THEY CAN TYPE THAT IN THERE?

YES, SIR.

GRIFFITH: CAN I ASK YOU WHAT THE CHANGE WOULD DO TO THE ORIGINAL IN TERMS OF ITS EFFECTIVENESS?

WHAT IT WOULD DO IS IT WOULD -- WELL, LET ME BACK UP JUST A MINUTE BECAUSE AN AUDIT CLAUSE IT SAYS THE RIGHT, IT DOESN'T ACTUALLY SAY THAT YOU WOULD DO THE AUDITS. IT SAYS THE RIGHT TO DO THE AUDIT. SO THAT IN ITSELF DOES LIMIT AN AUDIT CLAUSE FROM THE PERSPECTIVE THAT, YOU KNOW, IT DOESN'T OBLIGATE THAT AN AUDIT BE DONE, IT SIMPLY SAYS THERE IS A RIGHT TO DO IT. THE AMENDMENT THAT WAS OFFERED I THINK IS ACCEPTABLE IF THE COUNCIL TAKES IT FROM THE PERSPECTIVE THAT THOSE ARE PROBABLY THE TWO MOST OBVIOUS RISKS THAT WOULD BE POTENTIALLY AUDITED. WHAT I'M UNCOMFORTABLE AT THIS POINT, I CAN'T -- I CAN'T MAKE THE DECISION ONE WAY OR THE OTHER WHETHER THAT'S THE EXACT LANGUAGE BECAUSE WHAT IT'S LEAVING OUT IS A POTENTIAL FOR OTHER RISKS. UP TO THIS POINT I HAVEN'T HEARD OF OTHER RISKS THAT WOULD BE THAT SERIOUS OR WOULD CAUSE ME TO RECOMMEND THAT WE NOT CONSIDER THE COMPROMISE PROPOSAL HERE. I THINK LONG STORY SHORT FOR ME, THIS WOULD GIVE US AN OPPORTUNITY TO REVIEW THE MOST IMMEDIATE AND OBVIOUS KINDS OF ISSUES THAT ARE ASSOCIATED WITH THE AMENDMENT.

MAYOR GARCIA: LET ME ASK YOU A QUESTION, MR. MORGAN. HOW DO YOU GO ABOUT DEVELOPING YOUR PROGRAM OF WORK FOR

YOUR AUDIT DEPARTMENT?

FOR THE ENTIRE YEAR OR FOR A PARTICULAR PROJECT?

MAYOR GARCIA: FOR THE ENTIRE YEAR. IN OTHER WORDS, -- .

WE GO ABOUT THAT BY DEVELOPING A RISK-BASED AUDIT PROGRAM FOR AN ENTIRE OFFICE WHERE OUR GOAL IS TO -- .

MAYOR GARCIA: STOP RIGHT THERE. WOULD THIS BE CONSIDERED SOMETHING THAT YOU WOULD CONSIDER A RISK?

MAYOR GARCIA: THESE TO ME ARE POTENTIAL RISKS THAT -- .

THESE TO ME ARE POTENTIAL RISKS THAT ARE IDENTIFIED ALREADY. IN AN AUDIT OF THE CITY DEPARTMENT THAT WE WOULD DO ON THE FRONT END OF THAT AUDIT, WE MIGHT DO ADDITIONAL RISK ASSESSMENT TO DETERMINE WHETHER ADDITIONAL RISK THAT THE AUDIT SHOULD ADDRESS.

MAYOR GARCIA: BUT SHOULDN'T THE AUDIT BE MORE LIMITED TO WHAT THE CITY SPENDS?

RIGHT. SO THAT'S WHY I'M SAYING IN THE CONTEXT OF WHAT THE CITY'S..... CITY'S -- WHAT THE CITY IS SPENDING, WHAT THE CITY'S OBVIOUS RISKS ARE, I THINK THE TWO AREAS THAT THEY POINTED OUT, THE CONSTRUCTION AREA AND THE ALLOCATED COSTS ARE TWO THAT WOULD BE POTENTIALLY AREAS THAT YOU

WOULD WANT TO AUDIT.

MAYOR GARCIA: WOULDN'T YOU LOOK AT THE INTERNAL CONTROLS THAT MR. STEVENS AND MS. DUNKERLEY HAVE IN PLACE BEFORE THEY MAKE THE PAYMENT?

YES.

MAYOR GARCIA: OKAY.

ABSOLUTELY.

MAYOR GARCIA: HAVE YOU LOOKED AT IT?

NO. WE HAVEN'T -- HAVE NOT BEEN AUDITING IN THIS ARENA. ACTUALLY, THE LAST AUDIT THAT WE DID AT BRACKENRIDGE HOSPITAL I THINK WAS BACK IN THE EARLY '90'S.

MAYOR GARCIA: SO THIS CONTRACT THAT HAS BEEN IN EXISTENCE FOR SEVEN YEARS, YOU HAVEN'T LOOKED AT?

WE HAVE NOT LOOKED AT THAT CONTRACT?

WHY IS THAT? IS IT BECAUSE -- .

IT'S PROBABLY DUE TO THE FACT THAT IN OUR CITYWIDE RISK ASSESSMENTS WE'VE DONE TWO CITYWIDE RISK ASSESSMENTS, AND THERE WERE OTHER ISSUES LIKE THE POLICE DEPARTMENT AND SOME OF THE ISSUES THERE.

MAYOR GARCIA: THIS ONE DIDN'T STICK OUT?

YEAH, THIS ONE DIDN'T MAKE IT TO THE VERY TOP OF THE LIST.

MAYOR GARCIA: OKAY. THANK YOU.
COUNCILMEMBER?

GRIFFITH: YES, MR. STEVENS, WHERE DID OUR FINANCIAL -- .

MR. STEVENS IS MAKING THE CHANGES THAT HE JUST SPOKE ABOUT A MINUTE AGO, I'M TOLD.

GRIFFITH: ALL RIGHT. WE'LL TALK WHEN HE GETS BACK. THANK YOU.

I'M SURE HE WILL HAVE SOME COMMENTS ABOUT WHAT STEVE JUST SAID A MINUTE AGO.

GOODMAN: WELL, WHILE WE'RE WAITING, I KNOW I SAID I HAD MY LAST WORD, MAYOR, BUT -- .

GRIFFITH: SORRY TO RUSH YOU, MR. STEVENS.

THAT'S QUITE ALL RIGHT.

GRIFFITH: YOU'RE A BUSY MAN TONIGHT. THERE ARE SEVEN UNRESOLVED FINANCIAL ISSUES THAT WE PROBABLY NEED TO SOLVE BEFORE WE GO FORWARD. AND I'D LIKE TO HAVE YOUR COMMENT ON THESE, AND MAYBE WE CAN -- MAYBE WE CAN MOVE -- AT LEAST GET THINGS GOING. ONE IS DOES THE COMMUNITY BOARD HAVE THE RIGHT TO ASK FOR AND OBTAIN

FINANCIAL AND/OR OPERATING DATA RELATED TO THE PROPOSED CHANGES IN LEVEL OF SERVICE AND ACCESS TO CARE?

COUNCILMEMBER GRIFFITH, THAT WOULD PROBABLY BE A QUESTION BETTER DIRECTED TO THE CITY ATTORNEY'S OFFICE RATHER THAN TO ME. I AM -- YOU KNOW, I AM FAMILIAR FROM A LAYMAN'S PERSPECTIVE WITH THE LANGUAGE IN THE LEASE, BUT I'M NOT SURE THAT I CAN ANSWER THAT QUESTION.

GRIFFITH: AND THE BOTTOM LINE QUESTION IS: IF SO, DID THAT HAPPEN?

THE LEASE PROVIDES THAT THE OVERSIGHT COUNCIL IS ENTITLED TO REVIEW SUCH OPERATIONS AND FINANCIAL INFORMATION CONCERNING BRACKENRIDGE HOSPITAL AND THE SETON FACILITIES AS IT SHALL REASONABLY REQUEST TO ALLOW IT TO EVALUATE THE PERFORMANCE UNDER SECTIONS 8.9 AND 8.10 IN THE LEASE. 8.9 OF THE LEASE IS A LEVEL OF SERVICES. 8.10 IS THE CHARITY CARE. SO THE QUESTION IS WHAT FINANCIAL INFORMATION WOULD THEY NEED TO EVALUATE THE LEVEL OF SERVICES IN THE CHARITY CARE?

GRIFFITH: YES. I THINK THE QUESTION IS DID THAT HAPPEN?

I BELIEVE THAT -- AND I DON'T KNOW THAT I HAVE IT WITH ME. I BELIEVE THAT THE BRACKENRIDGE HOSPITAL OVERSIGHT COUNCIL ASKS FOR PROFIT AND LOSS STATEMENTS AND I THINK MR. GALLAGHER CAN EXPLAIN WHAT HE PROVIDED TO THAT BOARD.

GRIFFITH: I THINK IS BIGGER QUESTION IS WAS

THE OVERSIGHT COMMITTEE HAPPY WITH WHAT THEY WERE GETTING IN THE WAY OF FINANCIAL INFORMATION? MAYBE WE NEED TO ASK THEM THAT. OKAY. AND THE NEXT ONE, DOESN'T THE CURRENT LEASE CALL FOR THE CITY TO ACT TO CHANGE SERVICES ONLY AFTER THE COMMUNITY BOARD HAS HAD THE OPPORTUNITY TO REVIEW THE PROPOSED SERVICE CHANGES AND THEIR FINANCIAL IMPACTS UPON THE CITY AND SETON?

I'M GOING TO PUT THAT QUESTION TO THE LAW DEPARTMENT ALSO.

THERE ARE CERTAIN CHANGES IN THE LEASE THAT DO REQUIRE REVIEW BY THE BRACKENRIDGE OVERSIGHT COUNCIL. AS YOU KNOW, THEY WERE AT SEVERAL MEETING AND DIDN'T MAKE RECOMMENDATIONS TO YOU, THOUGH THEY DID CONSIDER THE PROPOSAL.

GRIFFITH: SO THAT DID HAPPEN AND THEY MADE RECOMMENDATIONS?

THAT'S CORRECT.

GRIFFITH: AND THEN SHOULD THE COMMUNITY BOARD BE INCLUDED IN A PROPOSED AMENDMENT TO THE LEASE?

I THINK WE ADDRESSED THIS YESTERDAY IN THE BRIEFING, WHICH IS THAT IT'S NOT NECESSARY TO ADDRESS IT IN THE LEASE AMENDMENT. IT'S MORE APPROPRIATE FOR Y'ALL WHEN YOU DECIDE HOW YOU WANT TO EXPAND THEIR OPERATION, IF YOU DO, TO INCLUDE THE NEW HOSPITAL, WE WOULD DO THAT BY ORDINANCE AT A LATER DATE.

GRIFFITH: I THINK THAT'S SOMETHING WE NEED TO DO GOING IN. I THINK WE NEED TO MAKE THOSE CHANGES IF WE'RE GOING TO BEFORE ANYTHING IS SIGNED.

REMEMBER, TOO, WITH THE HOSPITAL YOU ARE REQUIRED TO HAVE A HOSPITAL BOARD. AND SINCE YOU WILL HAVE TWO SEPARATE HOSPITALS, THE QUESTION WILL BE WOULD YOU WANT A HOSPITAL BOARD WITH OVERSIGHT OF - - OF THESE FOR DIFFERENT REASONS.

GRIFFITH: AND ACTUALLY, THE OVERSIGHT COMMITTEE SAID IT WAS ESSENTIAL THAT THE SAME BOARD BE OVER BOTH OF THEM OR IT WAS -- IT WAS GOING TO CAUSE SOME REAL PROBLEMS. THAT'S SOMETHING WE NEED TO WORK ON. ASSUMING THAT MANY OF THE EXPENSES THAT FORMED THE BASIS FOR THE CITY'S COSTS IN OPERATING THE NEW HOSPITAL WILL ACTUALLY BE SHARED OR ALLOCATED BASED UPON DATA PROVIDED BY SETON, HOW WILL THIS DATA BE VERIFIED? AND THAT -- THE LANGUAGE THAT WE DRAFTED IS AN ATTEMPT TO DEAL WITH THAT CHALLENGE.

YES.

GRIFFITH: YES. IS LANGUAGE NEEDED TO ADDRESS THE CONFIDENTIALITY OF SETON DATA?

IN WHAT CONTEXT?

GRIFFITH: IN ANY CONTEXT THAT IT'S IMPORTANT TO THEM. IS THERE DATA THAT NEEDS TO BE PROTECTED IN ANY WAY? AND FOR

ANY REASON?

JOHN VEIN FROM FULBRIGHT & JAWORSKI IS GOING TO ADDRESS THAT.

I DON'T WANT TO SPEAK FOR SETON, BUT THE LEASE CONTEMPLATES THE POSSIBILITY OF EXCHANGE OF DATA ON A CONFIDENTIAL BASIS IF SETON FOR SOME REASON FELT THAT DATA WAS CONFIDENTIAL AND PROPRIETARY AND TRADE SECRET DATA. SETON -- THEN THERE ARE PROCEDURES UNDER THE OPEN RECORDS ACT FOR THEM TO IDENTIFY IT AS SUCH AND TO DEFEND THAT POSITION IF THAT WERE LATER REQUESTED.

GRIFFITH: IN THE AUDIT CLAUSE THAT WE HAVE, IS THERE ANY REASON WHY THAT WOULDN'T BE ABLE TO BE EXECUTED?

TO CLARIFY, IT YOU MEAN THE AUDIT CLAUSE THAT MR. STEVENS READ AND IT'S DISSEMINATED, WE UNDERSTAND THAT THE DATA WE WOULD PROVIDE IN THAT AUDIT WOULD THEN BECOME AVAILABLE TO THE PUBLIC.

GRIFFITH: OKAY. THANK YOU. THAT'S IT.

MAYOR GARCIA: COUNCIL, THERE IS AN AMENDMENT TO THE ORIGINAL MOTION THAT WAS MADE BY THE MAYOR PRO TEM AND IT HAS NOT BEEN SECONDED BECAUSE I ACCEPTED IT AS FRIENDLY, BUT I WOULD -- .

MAYOR, EXCUSE ME, SETON HAS REQUESTED ONE OTHER SLIGHT CHANGE TO THE LANGUAGE THAT I PROVIDED THAT HAS TO DO WITH A

REASONABLE NOTICE BEFORE THEY HAVE TO PROVIDE THE RECORDS SO THAT IT WOULD READ, THE OFFICE OF THE CITY AUDITOR SHALL HAVE THE RIGHT WITH REASONABLE ADVANCED NOTICE TO SETON.

MAYOR GARCIA: WITH REASONABLE

ADVANCED NOTICE TO SETON.

MAYOR GARCIA: OKAY.

AND THE REST READS AS IS.

MAYOR GARCIA: OKAY. SO IT READS THE OFFICE OF THE CITY AUDITOR SHALL HAVE THE RIGHT WITH REASONABLE ADVANCE NOTICE TO SETON TO ACCESS, EXAMINE, ANALYZE AND VERIFY BRACKENRIDGE'S RECORDS, ACCOUNTS AND DATA PERTINENT TO THE ALLOCATED COSTS OF SERVICES PROVIDED TO THE CITY THROUGH THE ANCILLARY SERVICE AGREEMENT AND TO THE COSTS OF CONSTRUCTION FOR THE FIFTH FLOOR?

YES, SIR.

MAYOR GARCIA: CORRECT? OKAY. THERE'S A MOTION ON -- AN -- BEFORE WE GO INTO THAT, COUNCILMEMBER ALVAREZ, DID YOU GET ALL OF YOUR LEGAL QUESTIONS ANSWERED OR DO YOU STILL WANT TO GO INTO EXECUTIVE SESSION?

ALVAREZ: I THINK ACTUALLY, I DID WANT TO ASK A QUESTION OF OUR LEGAL -- I GUESS THE LAWYERS ON BOTH SIDES REALLY, BUT -- AND

THE FIRST ONE IS -- .

MAYOR GARCIA: AND LET ME SAY THAT IF FOR ANY REASON WE CANNOT HAVE THAT QUESTION ANSWERED IN OPEN SESSION, LET US KNOW AND WE'LL GO INTO EXECUTIVE SESSION.

YES, SIR.

MAYOR GARCIA: COUNCILMEMBER ALVAREZ?

ALVAREZ: IN TERM OF THE AMENDMENT THAT HAS BEEN OFFERED, THE ONE THAT REFERS TO SECTION 19.3, IT HAS A SECTION DEALING WITH THE ANCILLARY SERVICES AGREEMENT SHALL PROVIDE THAT SETON MAY TERMINATE THE SAME AND THE CITY POTENTIALLY AND KNOWINGLY PROVIDES ABORTIONS WITHIN THE NEW HOSPITAL. SO THAT WOULD TERMINATE -- IF THAT WERE TO OCCUR, THEN THE ANCILLARY SERVICES AGREEMENT WOULD -- I GUESS IT COULD BE TERMINATED?

CORRECT.

ALVAREZ: SO NOW IS THERE ANYTHING IN THE LEASE -- THE ORIGINAL LEASE OR THIS AMENDMENT THEN ALLOWS SETON TO TERMINATE THE CONTRACT BEYOND, YOU KNOW, THE TERMINATION OF THE ANCILLARY SERVICES AGREEMENT?

I THINK YOU'RE FOLLOWING UP A DIALOGUE WITH DR. HAYS EARLIER. THE ANSWER IS NO, THAT WHAT SETON HAS NEGOTIATED FOR HERE IS THE RIGHT TO WITHDRAW FROM PROVIDING SERVICES TO SUPPORT THE NEW CITY HOSPITAL IF THE CITY CHOOSES TO PROVIDE ABORTIONS

BECAUSE THAT'S NOT A SERVICE THAT WE COULD BE INVOLVED WITH IN SUPPORTING. THE LEASE AGREEMENT ITSELF DOES NOT PROVIDE FOR AN EVENT OF DEFAULT UNDER THE OVERALL LEASE AGREEMENT SHOULD THAT OCCUR. HOWEVER, I THINK WHAT DR. HAYS IS SAYING, WE WOULD SEEK TO NEGOTIATE WITH THE CITY TO HAVE A MUTUALLY AGREED TERMINATION OF THE LEASE AGREEMENT IF THAT WERE TO OCCUR. THERE IS NOT AN AUTOMATIC EVENT OF DEFAULT. THAT IS NOT AN EVENT OF DEFAULT THAT'S WRITTEN INTO THE LEASE AGREEMENT AS IT STANDS.

I WAS JUST GOING TO SAY THAT THE CITY LAW DEPARTMENT IN OUR VIEW IS CONSISTENT WITH THAT, THAT THE ONLY PROVISION THAT ADDRESSES WHAT HAPPENS IF THE CITY AND -- AND IT'S ONLY IF THE CITY KNOWINGLY AND INTENTIONALLY PROVIDES ABORTIONS, IS IT DOES GIVE SETON THE RIGHT TO TERMINATE THE ANCILLARY SERVICES AGREEMENT, WHICH REQUIRES US TO TAKE OVER AND TO GET DIETARY, ETCETERA, FROM OTHER SOURCES, AND THEN WE UNDERSTAND THAT IT IS A MATTER OF THEIR REQUIREMENTS AND THEY WOULD COME TO US AND SAY WE NEED TO FIND A WAY TO UNWIND THIS BUT FROM OUR PERSPECTIVE IT'S NOT A CITY DEFAULT.

ALVAREZ: IN TERM OF THE SECOND PART THAT RELATES TO THE EMERGENCY CONTRACEPTION. IF WE WERE TO MAKE THE CHANGES THAT WERE PROPOSED, THEN, AGAIN, WHAT IS THE ABILITY TO -- I GUESS TO GET OUT OF THE ANCILLARY SERVICES AGREEMENT AND/OR THE LEASE AS A WHOLE?

IF I'M UNDERSTANDING THE QUESTION CORRECTLY, YOU'RE REFERRING TO THE LANGUAGE THAT'S BEEN DISCUSSED TONIGHT

FOR SECTION 19.3. AND THE CHANGES THAT WERE PROPOSED -- AND IF I UNDERSTAND THE PROCEDURAL STATUS CORRECTLY, ARE BEING DISCUSSED AS A POSSIBLE AMENDMENT TO THE RESOLUTION, WHAT I THINK WE'VE HEARD THE REPRESENTATIVES OF SETON SAY IS THEY WOULD NOT BE ABLE TO ENTER INTO THIS AMENDMENT IF THAT -- THOSE CHANGES WERE MADE AND THEREFORE WE WOULD NOT THEN GET INTO THE QUESTION OF WHAT WOULD HAPPEN UNDER THE AMENDMENT. THE CITY'S POSITION AND INTERPRETATION OF THE AMENDMENT TAKEN AS A WHOLE IS THAT WE DO NOT NEED TO HAVE THESE CHANGES MADE IN ORDER TO PROTECT THE ABILITY OF THE CITY TO DELIVER THE SERVICES THAT IT NEEDS TO DELIVER.

ALVAREZ: OKAY. SO REALLY THEN WHAT SETON IS SAYING IS THAT IF THESE CHANGES ARE MADE, THEN THEY WON'T SIGN OFF ON THE -- .

THAT IS CORRECT. WE WOULD NOT BE ABLE TO SIGN THE LEASE AMENDMENT IF THE FIRST TWO CHANGES THAT ARE PROPOSED IN THE 03 VERSION TO SECTION 19.3 WERE MADE.

ALVAREZ: THANK YOU.

MAYOR GARCIA: THERE IS AN AMENDMENT THAT WAS PUT IN FORM OF AN AMENDMENT TO THE ORIGINAL MOTION BY THE MAYOR PRO TEM. IS THERE A SECOND?

GRIFFITH: MAYOR PRO TEM, DO WE KNOW ENOUGH TO VOTE TONIGHT, DO YOU THINK? DO YOU HAVE THOSE -- ENOUGH OF THOSE FINANCIAL QUESTIONS ANSWERED AND ISSUES SOLVED AND OUR FIVE MEDICAL ISSUES

SOLVED?

GOODMAN: WELL, ALTHOUGH I KNOW THAT EVERYBODY WILL GROWN WHEN I SAY THIS, I ACTUALLY DON'T THINK THAT WE DO. AND THE REASON BEING, IF YOU'RE SECONDING FOR DISCUSSION -- .

GRIFFITH: YES, THANK YOU.

GOODMAN: IS BECAUSE I DON'T THINK THESE AMENDMENTS COULD OR SHOULD, AT LEAST, PUT ANYTHING IN JEOPARDY. AND MY POSITION, JUST SO EVERYBODY IS CLEAR ABOUT IT, IS NOT TO KILL THIS DEAL, BECAUSE I FRANKLY SEE NO ALTERNATIVES VIABLE FOR THE CITY AT THIS TIME. AND WE CERTAINLY CANNOT SHUT DOWN THE HOSPITAL IN ANY WAY BECAUSE OF HAVING DIFFICULTIES WITH A RELIGIOUS DOCTRINE. IN ESSENCE YOU JUST CAVED INTO THE DOCK CONTINUE EVEN THOUGH IT CONFLICTS WITH YOUR CHARGE AND YOUR COMMITMENT. SO THAT IS NOT MY GOAL, MY INTENT AT ALL. THE AMENDMENTS I THINK ARE FAIRLY SELF EXPLANATORY, BUT IT MAY BE THAT LEGAL FROM BOTH PARTIES NEED TO LOOK AT THE LANGUAGE AND FOCUS VERY CAREFULLY ON WHAT IS ACTUALLY BEING REFERRED TO AND WHAT IMPACT IT WOULD HAVE FOR THESE, IF ANY, FOR THESE AMENDMENTS TO BE ACCEPTED INTO THE LEASE. THE CITY MANAGER AWHILE AGO MENTIONED THAT IT WAS POSSIBLY SIGNIFICANT CHANGES MADE IN THE AGREEMENT WE CAME TO SEVEN YEARS AGO, AND I WOULD SAY ACTUALLY WHAT PRECIPITATED THIS WAS A SIGNIFICANT CHANGE IN RELIGIOUS DIRECTIVES. AND THE ATMOSPHERE, UNLESS WE'RE ALL TRYING TO WORK TOGETHER. SO THAT IS JUST AN ELEMENT THAT HAPPENS WITH TIME MOVING ON, TIMES CHANGING AND TRYING TO MAKE SURE THAT WE

DON'T MOVE BACKWARDS, BUT THAT WE MOVE FORWARD. AND THAT'S IN A POSITIVE SENSE TOO. THE REASON THAT I THINK THESE ARE SO IMPORTANT IS THE CONFIDENCE, COMMUNITY CONFIDENCE. AND WE'VE ALL NOTICED THAT A GREAT MANY PEOPLE ARE VERY LEERY OF THE SITUATION IN THE FIRST PLACE. WE KNOW THAT THERE IS A DIFFICULTY TO RESOLVE WHENEVER A RELIGIOUS ENTITY AND A PUBLIC PARTNERSHIP HAPPENS. AND IN THIS CASE SINCE IT'S A CATHOLIC ONE AND WE DO HAVE THE REPRODUCTIVE SERVICES ISSUES, WE NEED TO BE VERY, VERY CAREFUL AND WE NEED TO MAKE SURE THAT WE HAVE CONFIDENCE AND WE DON'T ASSUME A LACK OF SERVICES OR REFUSAL TO PROVIDE SERVICES OR AN ABILITY TO IGNORE REQUESTS, ETCETERA, ETCETERA. SO THESE ARE IN ONE CONTEXT A FAIL-SAFE ADVOCACY MECHANISM TO GIVE PEOPLE CONFIDENCE, TO GIVE PEOPLE THE KNOWLEDGE THAT THERE IS AN ACCOUNTABILITY MEASURE WITHIN THIS AND FEEL A LITTLE BETTER, ESPECIALLY AS WE WERE TRYING TO REVAMP HOW SERVICES ARE PROVIDED, PERIOD. I DIDN'T THINK THAT THERE WOULD BE A GREAT DEAL OF PROBLEM. I THOUGHT THAT THE LANGUAGE WOULD HAVE TO BE DONE AND THAT LEGAL WOULD HAVE TO MAKE A JUDGMENT. AND FRANKLY, I WAS SURPRISED AT THE RESPONSE SOMETIMES ON A COUPLE OF THESE AMENDMENTS BECAUSE I REALLY DON'T SEE THE DANGER, I DON'T SEE THE CONFLICT WITH THE DIRECTIVE. SO I WOULD HOPE THAT WE COULD REVISIT THAT, PERHAPS GIVE THIS ONE MORE WEEK OR I DON'T KNOW HOW MUCH -- AND I SEE PEOPLE SHAKING THEIR HEADS, SO I TELL YOU WHAT, I'M JUST GOING TO IGNORE THAT AND SAY, IF WE DON'T DO THIS VERY CAREFULLY, WE ARE IRRESPONSIBLE. I THINK THAT SETON HAS BEEN A RESPONSIBLE MANAGEMENT ENTITY OF THE HOSPITAL AND WHERE RELIGIOUS DIRECTIVES, MOVE THEM

AWAY FROM OUR COMMUNITY COMMITMENT, THEN IT'S UP TO US TO MAKE SURE THAT THOSE ARE STILL ADHERED TO AND THAT WE SOMEHOW PROVIDE THEM. IF WE DO IT TONIGHT, I CANNOT, WILL NOT VOTE FOR THIS AND I THINK THAT ALSO MAY WIND UP BEING IRRESPONSIBLE, NOT BECAUSE OF MY INTENT, BUT BECAUSE WE ARE NOT GOING TO CHECK THE DETAILS AND SEE IF THERE IS IN FACT A WAY TO COME TO RESOLUTION ON THIS. AND I DON'T MEAN TO SOUND ANGRY. I DID GET HOT THERE FOR A SECOND. I WANT TO REFER YOU TO JUDGE HERMAN'S LETTER. I WANTED YOU TO ALSO BE REMINDED THAT THIS IS MUCH LARGER THAN JUST REPRODUCTIVE SERVICES. JUDGE HERMAN WROTE US A LETTER THAT MENTIONS REPRODUCTIVE SERVICES IS ONLY A PARTIAL RESPONSE TO A MUCH GREATER PROBLEM FACING THE CITIZENS OF AUSTIN AND TRAVIS COUNTY. THE AMENDMENT I OFFERED ALSO HAS TO DO WITH MORE THAN REPRODUCTIVE SERVICES, IT HAS TO DO WITH THE FUTURE OF OUR MEDICAL PROVISION AND MEDICAL AND HEALTH CARE FACILITIES. HE SAYS MERELY ADDRESSING THE ISSUE OF REPRODUCTIVE SERVICES WHEN AN OPPORTUNITY EXISTS FOR THE CITY COUNCIL TO DEAL WITH THE HEALTH CARE SYSTEM IN TRAVIS COUNTY IS TO INVITE DISASTER IF THAT'S ALL THAT'S LOOKED AT. WITHOUT A SERIOUS DIALOGUE, HE MENTIONS THE CITY AND TRAVIS COUNTY CONCERNING INDIGENT HEALTH CARE IN OUR COMMUNITY, HE PREDICT THE NEXT PROBLEM FACING THE CITY AND BRACKENRIDGE WILL BE THE INABILITY TO PROVIDE SERVICES IN AN ADEQUATE LEVEL UNDER THE CURRENT CITY BUDGET OUT LAYS, ETCETERA, ETCETERA. I WOULD SUGGEST THAT IT GOES BEYOND CITY AND COUNTY BECAUSE -- OR PATIENT CARE IN BRACKENRIDGE AND BECAUSE IT GOES BEYOND TRAVIS COUNTY. AND THEN I WOULD REFER YOU TO SOME OF WHAT HAS BEEN INCORPORATED IN THE RESOLUTION

THAT I OFFERED AS AN AMENDMENT, THAT INCLUDED IT COUNCILMEMBER GRIFFITH'S AUDIT CLAUSE, WHICH GIVES ACCOUNTABILITY AND REASSURANCE. THAT INCLUDES AN EARLIER RESOLUTION WHICH IN FACT REPRIZES A RESOLUTION THAT WE PASSED IN SEPTEMBER OF THE YEAR 2000 AND WHICH HAS NOT YET BEEN IMPLEMENTED. AND THAT IS THE LONG RANGE STRATEGIC PLAN TO PROVIDE PUBLIC HEALTH SERVICES AND PRIMARY HEALTH CARE FOR THE INDIGENT, CONTINUATION OF THE PUBLIC HEALTH CARE SERVICES, INCLUDING ENVIRONMENTAL HEALTH, DISEASE PREVENTION AND CONTROL, MAINTENANCE OF INFRASTRUCTURE AND ADEQUATE CAPACITY FOR DELIVERY OF PRIMARY HEALTH CARE FOR THE INDIGENT, INCLUDING CLINICS, RANGE OF STAFFING DISCIPLINES TO ADEQUATELY AND COMPREHENSIVELY PROVIDE THAT CARE REGARDING PRESENT AND AVAILABILITY OF PHYSICIANS, NURSES, NURSE PRACTITIONERS, PHYSICIAN'S ASSISTANCE, SOCIAL WORKERS, NUTRITIONISTS, DENTISTS AND THEIR ASSISTANTS. ALSO ESTABLISHING A STRATEGY AND POLICY TO ENSURE THE ABILITY TO RECRUIT, MAINTAIN, DEDICATED AND SKILLED STAFF, INCLUDING AN APPROPRIATE STAFFING MIX. ESTABLISHMENT OF STRATEGY AND PROCESS TO ENSURE LONG-TERM FUNDING, STABILITY AND COMMITMENT WITHIN EACH FUTURE ANNUAL BUDGET PROCESS AND ASSURANCE OF ESTABLISHED COMMUNICATION AND INFORMATION TO CITY COUNCIL IN PROVIDING FOR, MONITORING AND REPORTS RELATING TO GOVERNANCE OF HEALTH CARE, ALL OF WHICH COVER ALL THE CLINICS, OUR CLINIC SYSTEMS, SHOULD INCLUDE COOPERATION WITH TRAVIS COUNTY AND THEIR CLINICS, AND MUST INCLUDE BRACKENRIDGE. IF WE DON'T HAVE THIS WORKING RELATIONSHIP WHICH IS IN PART WHAT'S FOCUSED ON IN THIS RESOLUTION OF AMENDMENT, THEN I THINK

THAT WE CONTINUE TO LEAVE THE RESPONSIBILITY OUTSIDE OF OURSELVES WHEN IN FACT WE'VE GOT TO TAKE A VERY PARTICIPATORY PART IN ALL OF THAT. SO MAYOR, THAT WAS THE REASON THAT WE ALSO ADDED THE TECHNICAL ADVISORY COMMITTEE FOR THE ELECTED OFFICIALS COLLABORATEOGREGIONAL HEALTH CARE BECAUSE SO MUCH OF THIS SEEMS TO HAPPEN EVERY FEW YEARS IN A VACUUM BECAUSE NO ONE IS AWARE THAT ANYTHING WAS EVER INITIATED BEFORE, LARGELY BECAUSE NOTHING COMES OUT OF THOSE INITIATIONS. SO IT'S REALLY TIME TO -- WHAT IS THAT, FISH OR CUT BAIT? AND SO SO REITERATE, THE AMENDMENT GOES FAR, FAR BEYOND SIMPLY REPRODUCTIVE SERVICES. AND ALTHOUGH THAT IS A VERY CRITICAL AND SENSITIVE ISSUE AND I DON'T BELIEVE ANY OF THE CHANGES PROPOSED SHOULD HAVE ANY IMPACT IN NOT BEING ABLE TO AMEND THIS CONTRACT WITH AGREEMENT BY BOTH PARTIES, IF PEOPLE DO THINK THAT, THEN I THINK WE NEED ONE OR MORE WEEKS OF LAWYERS TALKING TO EACH OTHER TOGETHER WITH SERVICE PROVIDERS. AND I THINK IF WE DECIDE THAT THERE SIMPLY IS NO WAY TO COME TO AGREEMENT TO THESE THINGS TONIGHT, THAT'S IRRESPONSIBLE ON BOTH OUR PARTS.

MAYOR GARCIA: THANK YOU. FURTHER DISCUSSION ON THE AMENDMENT?

ALVAREZ: THE AMENDMENT IS TO POSTPONE?

MAYOR GARCIA: NO, THE AMENDMENT IS TO ADD THE SECTIONS THAT ARE IN CODE 3, THE ONES THAT WE DISCUSSED WITH THE -- DR. HAYS.

GOODMAN: MAYOR, WE SHOULD GET PROBABLY SETON'S RESPONSE TO THAT, IF THEY STILL

INCIDENT CYST THAT THEY CANNOT AGREE TO THOSE AMENDMENTS, THEN I WOULD WITHDRAW THAT MOTION AND MAKE A SUBSTITUTE MOTION TO POSTPONE.

MAYOR GARCIA: DR. HAYS? I AM POSITIVE THAT WE CANNOT AGREE TO THE TWO PROPOSALS FOR SECTION 19.3. WE CAN AGREE TO THE LANGUAGE THAT'S BEEN -- WE CAN'T AGREE ON THE LANGUAGE THAT'S BEEN DEVELOPED ON THE NARROW AUDIT. AND I GREATLY RESPECT COUNCILMEMBER GOODMAN'S DESIRE TO MAKE SURE EVERYTHING IS HEARD AND EVERY IMPOSSIBILITY IS LOOKED AT. I'M ALSO PAINFULLY AWARE OF THE TIME WE'VE INVESTED TRYING TO DO THAT WITH ALL THE ADVOCATES THUS FAR. AND THE AMOUNT OF TIME SINCE THE ETHICAL AND RELIGIOUS DIRECTIVES HAVE BEEN PROMULGATED. SO I FEEL AS IF THE -- AS IF THERE'S SOME GREAT TIME URGENCY TO BRINGING THIS TO CLOSURE IN RELATION TO THE COMMITMENTS WE HAVE MADE TO BE FAITHFUL TO CATHOLIC TEACHING AND TO -- AND I HOPE WE HAVE BEEN VERY FAITHFUL TO THE DIALOGUE OVER THESE 10 MONTHS, BUT I THINK WE ARE SPENDING SOME TIME URGENCIES OF BOTH THERE AND IN RELATION TO BROADER ORGANIZATIONAL ISSUES AT BRACKENRIDGE AND CHILDREN'S.

GOODMAN: I UNDERSTAND THAT AND I WILL SAY COUNCILMEMBERS WERE THE LAST TO BE INVOLVED IN THIS. AND ALTHOUGH I UNDERSTAND YOUR SENSE OF TIME AND URGENCY FOR US, IT'S ALSO AN URGENT TIME TO CHECK EVERYTHING THAT'S IN THIS CONTRACT AND THE LEASE AMENDMENT. I THINK THAT A WEEK WOULD NOT BE THAT HARMFUL.

MAYOR GARCIA: IS THAT A SUBSTITUTE MOTION? IS THERE A SECOND TO THE

SUBSTITUTE MOTION?

GRIFFITH: SECOND. AND MAY I BE COMPETENT TO MY SECOND, I THINK THE FACT THAT WE REACHED AGREEMENT ON THE AUDIT CLAUSE IS POSITIVE. AND I'M VERY HOPEFUL THAT WE CAN ALSO WORK ON THE OTHER TWO ISSUES.

MAYOR GARCIA: OKAY. FURTHER DISCUSSION ON THE SUBSTITUTE MOTION? IF NOT, PLEASE CALL THE ROLL.

THIS IS ON THE SUBSTITUTE MOTION.

SLUSHER: MAYOR, THE SUBSTITUTE MOTION WAS TO POSTPONE?

GOODMAN: YES.

ALVAREZ: YES.

GRIFFITH: YES.

SLUSHER: YES.

THOMAS: YES.

WYNN: YES.

MAYOR GARCIA: THAT MOTION CARRIES ON A VOTE OF SIX TO ONE WITH THE MAYOR VOTING NO.

ALVAREZ: MAYOR, I DID HAVE A REQUEST OF SETON IF WE'RE GOING TO POSTPONE FOR A

WEEK. IF YOU COULD -- I DIDN'T HAVE THE RELIGIOUS DIRECTIVES, BUT IF YOU COULD SHOW ME HOW THAT RELATES TO THESE CHINGS THAT ARE BEING MADE HERE, I WOULD APPRECIATE IT.

I WOULD BE HAPPY TO. MAR MAYOR OKAY. SEE Y'ALL NEXT WEEK.

SLUSHER: MAYOR, COULD I ASK THAT WE DISCUSS STRAIGHT INTO THE COUNCIL DISCUSSION -- I GUESS I SHOULD ASK THIS BEFORE THE VOTE, BUT IT HAPPENED RATHER QUICKLY THERE AT THE END. BUT GO STRAIGHT TO THE COUNCIL DISCUSSING NEXT WEEK? I THINK WE'VE HEARD A LOT FROM THE PUBLIC ON THIS AND I THINK WE NEED TO TAKE THE TIME.... TIME -- WE'VE BEEN ON THIS FOR TWO DAYS AND I WAS READY TO VOTE TONIGHT, BUT THE MAYOR PRO TEM NEEDS ANOTHER WEEK, AND I RESPECT THAT. AND THAT'S WHY I VOTED YES ON THE POSTPONEMENT.

MAYOR GARCIA: ARE YOU SAYING THAT WE NOT HAVE FURTHER -- SO NEXT WEEK WE WILL NOT HAVE PUBLIC INPUT, IT WILL JUST BE DISCUSSION, COUNCILMEMBERS.

MAYOR, COULD I OWE?

MAYOR GARCIA: SO YOUR MOTION -- THE CITY ATTORNEY TELLS ME THAT WE NEED TO VOTE ON THAT.

SLUSHER: SO MOVE.

MAYOR GARCIA: MOTION BY COUNCILMEMBER

SLUSHER. SECONDED BY?

WYNN: SECOND.

MAYOR GARCIA: SECONDED BY COUNCILMEMBER WYNN. AND THAT'S TO -- .

SLUSHER: LIMITED COUNCIL DISCUSSION NEXT WEEK.

MAYOR GARCIA: ALL RIGHT. OKAY. BASICALLY TO -- SLISH SLUSH TO WAIVE THE RULES.

MAYOR GARCIA: TO WAIVE THE RULES OF 2-2-22. AND THAT WAS SECONDED BY COUNCILMEMBER WYNN. FURTHER DISCUSSION? ALL THOSE IN FAVOR, SIGNIFY BY SAYING AYE? OPPOSE, NO? MOTION CARRIES ON A VOTE OF SEVEN TO ZERO.

MAYOR, COULD I GET ONE CLARIFICATION? WE DO HAVE AGREEMENT ON THE AUDIT CLAUSE THAT JOHN AND -- .

MAYOR GARCIA: RIGHT. IT'S THE TWO OTHER ISSUES THAT -- .

IT'S THE ISSUES OF 19.3 THAT REMAIN.

MAYOR GARCIA: THAT'S CORRECT.

OKAY. I WANTED TO MAKE SURE THAT WE WOULD BE FOCUSED ON THE RIGHT THINGS.

MAYOR GARCIA: IT'S IN RESOLUTION NUMBER

03.

I HAVE IT. I HAVE IT. I JUST WANTED TO REVERIFY THAT THERE WAS AGREEMENT WITH THAT SO THAT WE WOULDN'T BE SPENDING OUR TIME BACK ON THAT PROVISION ONE MORE TIME.

MAYOR GARCIA: ALL RIGHT. SEE Y'ALL NEXT WEEK. ITEM NUMBER 20, HYDE PARK. LET'S TAKE ABOUT FIVE MINUTES TO ALLOW PEOPLE TO LEAVE THE ROOM AND COUNCILMEMBERS CAN STRETCH AND GO TO THE POTTY.

[ONE MOMENT, PLEASE, WHILE CAPTIONERS CHANGE]

MAYOR GARCIA: COUNCILMEMBERS, WE HAVE ONE ITEM THAT WAS PULLED BY COUNCILMEMBER SLUSHER, IF WE COULD GET HIM IN HERE, WE DON'T HAVE ANY SPEAKERS ON THAT ONE. I THINK WE CAN HANDLE IT QUICKLY. IF THE PEOPLE THAT ARE HERE FOR THAT ITEM, THEY CAN GO HOME, I THINK WE CAN DO IT IN PROBABLY THREE TO FIVE MINUTES. CAN WE ASK COUNCILMEMBER SLUSHER TO COME IN TO THE ROOM? I WILL CALL THIS MEETING BACK TO ORDER. I THINK THAT -- THAT MR. -- MR. HILGERS IS ALSO WITHIN HEARING DISTANCE AND IT ITEM NO. 38, LET ME READ IT INTO THE RECORD. NUMBER 38, APPROVE A RESOLUTION AUTHORIZING NEGOTIATION AND EXECUTION OF A 120 MONTH LEASE OF APPROXIMATELY 22,000 SQUARE FEET OF OFFICE SPACE LOCATED AT 1100 EAST 11 STREET FROM AUSTIN REVIOLATE ADDITION AUTHORITY, AUSTIN, TEXAS, IN AN AMOUNT NOT TO EXCEED \$8,012,285.42.

SLUSHER: MR. HILGERS, TALK TO ME ABOUT

HOW THIS COMPARES TO OTHER RENTS, IN PARTICULAR DOWNTOWN AND IN THE AREA OF THIS PROJECT. LET ME SAY IN ADVANCE THAT I THINK THAT THIS IS A -- IT MAKES SENSE FOR THE CITY TO INVEST ALONG EAST 11TH STREET AND EVEN -- EVEN I THINK IF WE WERE PAYING A LITTLE BIT MORE THAN AVERAGE THAT -- THAT WOULD BE AN INVESTMENT IN THE HEALTH OF THE CITY AND IN PARTICULAR IN THE HEALTH OF THIS AREA. OF THE CITY. BUT I STILL THINK WE SHOULD LOOK CLOSELY AT THE NUMBERS, SO COULD YOU GO OVER THEM WITH ME.

COUNCILMEMBER, WHAT I WOULD LIKE TO DO, I'M PAUL HILGERS THE DIRECTOR OF NEIGHBORHOOD HOUSING AND COMMUNITY DEVELOPMENT. WHAT I WOULD LIKE TO DO IS TALK ABOUT THE BENEFITS OF THIS PROJECT VERY QUICKLY TO MY DEPARTMENT AND WHAT WE ARE TRYING TO ACCOMPLISH AND WHAT WE HAVE GONE THROUGH TO ESTABLISH THIS LEASE TO GET SPECIFICALLY TO YOUR QUESTIONS ABOUT THE COMPARABLE RATES OF RENT. TO -- THE BENEFITS THAT WE ARE RECEIVING HERE IS TO TAKE MY DEPARTMENT IN THE YEAR ESTIMATED TO BE AUGUST OF '03, WHICH THIS BUILDING IS COMPLETED, CONSOLIDATE IT OUT OF THE FAIRLY CRAMPED QUARTER OF THE ONE TEXAS CENTER AND COMMUNITY LENDING OFFICE AND PROVIDE EXPANDED SPACE IN THIS NEW FACILITY THAT WOULD BE CONSTRUCTED, ESSENTIALLY AND OBEYED BY AUSTIN REVITALIZATION AUTHORITY. THE -- THE TERMS OF THIS -- OF THIS LEASE HAVE BEEN NEGOTIATED WITH OUR PUBLIC WORKS DEPARTMENT, DOING COMPARABLE RATES AND - - AND DEAN HARRIS IS HERE AND CAN SPEAK SPECIFICALLY TO THOSE FIGURES. (MICROPHONE PROBLEMS) THE BENEFITS TO MY DEPARTMENT VERY QUICKLY WOULD BE THAT WE WOULD BE ABLE TO PROVIDE MUCH MORE DIRECT SERVICE TO THE CLIENT POPULATION ALONG 11TH --

BEING RIGHT THERE AT 11TH STREET, FOUR BLOCKS AWAY FROM THE CAPITOL ON I-35. WE WOULD BE ABLE TO HAVE ROOMS WHERE WE COULD ACTUALLY HAVE COMMUNITY MEETINGS, WE COULD HAVE POTENTIALLY WE SEE THE OPPORTUNITY FOR LENDING COMMUNITY DEVELOPMENT SEMINARS, COMMUNITY LENDING SEMINAR, HOME OWNERSHIP SEMINARS, ON A REGULAR BASIS. COMMUNITY MEETINGS, NEIGHBORHOOD MEETINGS, WHERE PEOPLE CAN WALK TO OUR OFFICES AND RECEIVE THOSE DIRECT SERVICES. SO WE SEE IT AS A GREAT INVESTMENT, A GREAT BENEFIT FOR OUR DEPARTMENT. WHAT I WOULD LIKE TO DO IS TELL YOU THAT WE HAVE DONE SOME ANALYSIS OF THE NUMBERS. AND THE ESTIMATED COST FOR THE FIRST YEAR OF THE LEASE FOR THE NEW LOCATION IS \$27.19 A SQUARE FOOT. INCLUDING THE OPERATING EXPENSES AND THE PARKING AND I WILL LET DEAN -- THEN IT PROGRESSES UP FROM THAT. AND I WILL LET DEAN, IF YOU WOULD LIKE TO, OR BETTY IF YOU WOULD LIKE TO ADD TO THAT. AS FAR AS THE NUMBERS ARE CONCERNED. WE CAN TALK ABOUT THE --

I WOULD LIKE TO ADJUST A COUPLE OF THINGS ABOUT THE NUMBERS. WE LOOKED AT -- AT THE TOTAL COST OF THE FIRST YEAR LEASE IS ABOUT \$598,000. WHEN THIS BUILDING WAYS COMPLETED -- IS COMPLETED AND THESE VARIOUS PROGRAMS MOVE INTO THAT LEASE, THEY WILL BE VACATING SPACE THAT THEY ARE ALREADY PAYING \$184,000 ON. PLUS \$35,000 FOR THEIR LENDING OFFICE. WE WILL BE ABLE TO BACK PHIL THAT SPACE AT ONE TEXAS CENTER WITH SOME LEASES THAT ARE CURRENTLY IN THE 26 TO 27 DOLLAR RANGE. BACKFILL. THAT WILL LEAVE US ABOUT A \$10 SAVINGS THERE THAT WE COULD APPLY TO THIS THE LEASE, THAT'S ANOTHER \$115,000. THE TOTAL FROM THE CURRENT BUDGET THAT

WOULD BE AVAILABLE IS 334,000. IF YOU WERE TO MAKE THESE TWO COMPARABLE AND GO OUT ON THE MARKET AND -- AND ACQUIRE THE OTHER 8500 SQUARE FEET ADDITIONAL SPACE THAT THEY ARE GETTING HERE IN ORDER TO DO THESE TRAINING PROGRAMS AND COMMUNITY PROGRAMS, THAT WOULD COST AT OUR MOST CURRENT LEASE AGREEMENT, ABOUT \$221,000. SO IF YOU HAD APPLES TO APPLES, THE TWO COSTS ARE WITHIN ABOUT \$20,000 OF EACH OTHER. I THINK ANOTHER THING THAT IS -- WELL, IS IMPORTANT FOR ME TO SAY, IN THE NEWSPAPER ARTICLE TODAY, THERE WAS A QUOTE IN THERE ABOUT THIS LEASE BEING AN AVERAGE OF \$36 A SQUARE FOOT OVER A 10 YEAR PERIOD. AND THAT'S TRUE. HOWEVER, THAT WAS BEING COMPARED TO A CURRENT YEAR DOWNTOWN LEASE OF \$27.53. AND WE TRIED TO EXPLAIN TO THEM THAT THAT'S NOT A FAIR COMPARISON. YOU EITHER COMPARE THE \$27.53, WHICH IS THE CURRENT VALUE OF THE DOWNTOWN LEASE TO THE \$26 OF THIS LEASE, OR YOU TAKE OUR LEASE AND ESCALATE IT OR TAKE THE \$27 IN THE CURRENT DOWNTOWN LEASE AN ESCALATE IT AT THE SAME TIME THAT THIS -- AT THE SAME RATE AND ESCALATE THAT, WHEN YOU DO THAT THAT'S OVER \$39.53. A 3.50 DIFFERENCE IN THE LEASE THAT WE ARE PROPOSING HERE IS 3.50 LESS AVERAGE IF YOU USE THE SAME METHODOLOGY THAT WAS USED IN THE NEWSPAPER TODAY. I THINK IF YOU HAVE ANY SPECIFIC QUESTIONS ABOUT THE LEASE, DEAN IS HERE, BUT I WANTED TO MAKE SURE THAT YOU KNEW THE BENEFITS THAT YOU WOULD GET FROM AN OPERATIONAL STANDPOINT AND ALSO TO MAKE SURE THAT YOU UNDERSTOOD THAT THE COMPARISONS THAT WERE MADE NEEDED TO BE -- ON A CONSISTENT BASIS AND NOT AN AVERAGE TO A CURRENT YEAR, SO --

SLUSHER: LET ME MAKE SURE -- WHAT ABOUT

THE HARD COSTS BECAUSE I UNDERSTAND THAT
DOWNTOWN -- WHAT ABOUT PARKING COSTS --

IT DOESN'T INCLUDE PARKING AND OUR COST OF
27.19 DOES INCLUDE --

SLUSHER: DOES?

DOES INCLUDE THE PARKING. IF WE WERE TO
FACTOR THAT IN, IT WOULD BE AN EVEN
GREATER DIFFERENCE.

SLUSHER: HOW MUCH IS THE AVERAGE PARKING
COST DOWNTOWN.

I THINK IT'S \$3 PER -- \$3 PER SQUARE FOOT OR
SOMETHING --

CAN I --

ABSOLUTELY, YOU ARE THE EXPERT.

DEAN HARRIS WITH REAL ESTATE SERVICES.
REGARDING THE \$27.53 LATE IN THE -- RATE IN
THE PAPER, THAT DID NOT INCLUDE PARKING,
SO FOR THE COMPARISON THAT BETTY SPOKE
TO, PARKING WAS INCLUDED IN THAT IN
REFERENCE TO ABOUT THE \$3 GAP RANGE
REFERRED TO A MINUTE AGO. SO PARKING THAT
WAS FACTORED IN TO BE APPLES TO APPLES
WITH WHAT WE HAVE IN FRONT OF YOU TODAY.
AS FAR AS THE DOLLAR AMOUNT OF PARKING
COSTS DOWNTOWN, YOU SEE RANGES AT
PROBABLY \$100 TO PUSHING \$200 IN THE
CENTRAL BUSINESS DISTRICT. WHAT I WOULD
ANTICIPATE TO DO NEXT IS TO WALK YOU
THROUGH SOME OF THE STEPS THAT I TOOK IN
COMING UP AND DOING THE ARA PROPOSAL AS

REQUESTED OF ME. IT'S A UNIQUE PROPERTY AND THEREFORE I PUT A LOT OF WORK INTO WHAT MIGHT BE THE BEST WAY TO EVALUATE IT. AND IN DOING SO, I PERFORMED FOUR OR FIVE STEPS. I LOOKED AT EXISTING APPRAISAL REPORTS THAT WERE IN HOUSE. I ASKED PRASERS FOR THEIR COMPAREABLES THAT I WAS PROVIDED WITH. THEN I ENGAGED IN SOME SERIES OF DISCUSSIONS WITH BROKERS AND LEASING AGENTS REGARDING THAT PROPERTY AND THE CENTRAL EAST AUSTIN AREA. I DROVE THE AREA UP AND DOWN LOOKING FOR POLICE SIGNS AND FOLLOWED UP WITH CALLING PROFESSIONALS IN THE CENTRAL EAST AUSTIN AREA REGARDING THEIR SENSE OR FEEL FOR WHAT DEMAND MIGHT BE ESTABLISHED IN A CLASS A OFFICE BUILDING WERE TO BE PUT IN PLACE THERE, YOU DO KNOW SOME TRANSITION OF SOME PROFESSIONAL SERVICES INTO THE AREA AND I WAS INTERESTED IN THE MOTIVATION OF THOSE INDIVIDUALS AND SUCH FOR DOING SO AGAIN, FOR LOOKING AT DEMAND IF THAT PROPERTY WERE TO BE IN PLACE. IN -- IN PRESENTING YOU WITH THE MOST COMPARABLE INFORMATION, I LOOKED AT ANYTHING THAT WAS NEW, OF COURSE, ANYTHING UNDER ACTIVE OR CURRENT REMODELING OR ANYTHING IN -- IN GOOD SHAPE TRYING TO MATCH AS CLOSE AS I COULD TO WHAT A CLASS A OFFICE BUILDING WOULD BE. IDENTIFIED THREE PROPERTIES THAT MET EITHER ONE OF THOSE TESTS. THERE IS A NEW 4500 SQUARE FOOT OFFICE BUILDING CURRENTLY UNDER CONSTRUCTION. THERE'S A WELL MAINTAINED 3400 SQUARE FOOT OFFICE BUILDING, IT WAS BUILT IN 1985. IT HAS LEASE SPACE. AND A 10,000 SQUARE FOOT FORMER PARTS WAREHOUSE, THE NELSON SPECIALTY, THAT HAS BEEN COMPLETELY REMODELED RECENTLY UNDERGONE LEASING.

SLUSHER: WHERE ARE THOSE FIRST TWO THAT

YOU MENTIONED?

YES. THE FIRST OFFICE SPACE IS LOCATED, LET ME PULL THAT INFORMATION, BEAR WITH ME. 1109 EAST SIXTH STREET. THE SECOND PROPERTY IS AT 12TH AND NAVASOTA, I BELIEVE IT'S 1101 OR 1104 NAVASOTA.

SLUSHER: 1109 WOULD THAT BE AROUND WALLER. IT'S LIKE A COUPLE OF BLOCKS CLOSE TO THE FREEWAY.

NAVASOTA, RIGHT AT 12TH AND NAVASOTA. YES, SIR, THE NORTHEAST CORNER IS WHERE --

SLUSHER: OKAY.

THEN YOU MAY RECALL THE -- THE FORMER NELSON SPECIALTY, I BELIEVE IT WAS, THE APPLIANCE PARTS WAREHOUSE HAS NOW BEEN REMODELED THERE'S A DESIGN STUDIO REAL ESTATE FIRM TYPE TENANTS IN THERE, THAT'S A 1021 EAST SEVENTH STREET. IN HAVING DISCUSSIONS REGARDING THE ASKING RATES FOR THOSE PROPERTIES AND FOR THE THREE TO FIVE YEAR TERMS THAT WERE TYPICALLY ASKED, THE RATES THAT I WAS QUOTED I HAD TO MAKE SOME SLIGHT ADJUSTMENTS FOR APPLES TO APPLES, BUT RANGE BETWEEN \$16 .40 TO \$18 TRIPLE NET. FOR THE BEGINNING OF THE LEASE.

SLUSHER: OKAY, THAT COMPARES TO --

AND THE TRIPLE NET RATE FOR THE ARA LEASE IS AT 16.50 FOR THE FIRST CAREER. -- FIRST YEAR, SORRY.

WHAT DID YOU BASE THE ESCALATOR, WHAT'S

THE ESCALATOR IN THE LEASE BASED ON?

IT'S BASED ON ITS TYPICAL -- IN THE MARKET, YOU HAVE -- EACH INDIVIDUAL LEASE IS OF COURSE A NEGOTIATION WITH EACH PARTY JUST ASSERTING WHAT WOULD BENEFIT THEM MOST. BUT TYPICALLY YOU DO HAVE ESCALATORS ON THE PROPERTIES I CALLED FOR ORIGINALLY IN THE AREA THAT THERE ARE ESCALATORS INVOLVED. SOMETIMES A 50 CENTS A SQUARE FOOT FIX OR A CPI OR A PERCENTAGE. THIS LEASE HERE HAS A 3.5%.

SLUSHER: OKAY. I THOUGHT YOU SAID -- YOU WERE USING A FIGURE A MINUTE AGO, 27 OF THE ARA --

YES, LET ME POINT THAT OUT. YES, THE RATES QUOTED A MINUTE AGO, WHEN I SAY 16.40, 18 DOLLARS, THOSE ARE TRIPLE NET RATES. THE TRIPLE NET RATE FOR THE ARA IN YEAR ONE IS 1650. ON TOP OF THAT, ALL THE SCENARIOS, ARA AND THOSE THREE LEASES, THEN OPERATING EXPENSES ARE PASSED THROUGH TO THE TENANT. YOU ARE PAYING THAT RATE FOR THE REAL ESTATE ITSELF. JUST THE REAL ESTATE AND IN THE OWNER YOU ARE REIMBURSING THEM FOR THE OPERATING EXPENSES TO RUN IT, THAT BEING TAXES AND INSURANCE, MAINTENANCE.

SLUSHER: HOW WOULD THAT COMPARE ON THOSE OTHERS?

YES, SIR. WHERE YOU HAVE AN EXISTING BUILDING THAT HAS KNOWN EXPENSES THAT'S THE BEST CASE SCENARIO BECAUSE YOU KNOW WHAT THOSE EXPENSES ARE, WHAT YOU EXPECT TO PAY. IT'S A LITTLE BIT MORE DIFFICULT ON A

PROPOSED BUILDING JUST BECAUSE YOU DON'T HAVE THE OPERATING EXPENSES KNOWN OR THE TRACK RECORD INVOLVED THERE. WHAT WE HAVE DONE IN THE PROJECTION IS IT COULD PERHAPS BE VIEWED AS A LIBERAL ANTICIPATION OF WHAT EXPENSES MIGHT BE IN PUTTING TOGETHER THE PROJECTION, THOUGH, WHICH WAS \$8.50 A SQUARE FOOT, AND SOME OF THE COMPARABLES WERE IN THE FIVE, SIX, SEVEN DOLLAR RANGE, SO I ESTIMATED A LITTLE BIT HIGHER ABOVE THAN THAN -- THAT THAN THE COMPARABLES IN BEING CONSERVATIVE AND ALSO FOR FEEDBACK GIVEN A PROPERTY MANAGEMENT COMPANY THAT MIGHT BE MANAGING THE ARA PROPERTY. ONE OF THE SPECIFIC KEY FACTORS IS THE PROPERTY TAX ELEMENT AND DEPENDING ON HOW THE AS -- HOW THE ASSESSED VALUE WORKS OUT. THEREFORE YOUR PROPERTY TAX PORTION FOR THAT IS PART OF THE REASON FOR BEING ABOVE SOME OF THE OTHER PROPERTIES IN WHAT THE OPERATING EXPENSES ARE ESTIMATED TO BE. PROPERTY OPERATING EXPENSES ARE JUST A PASS THROUGH, THOUGH, THEY ARE NOT A -- A PROFIT CENTER, THEY ARE SIMPLY REIMBURSED AS EXPENDED.

SLUSHER: OKAY. GO AHEAD, IF YOU ARE -- IF YOU HAVE MORE.

WELL, TO JUST -- JUST SO YOU HAVE THE NET RATE, WHICH IS THE BASIC PAYMENT FOR THE REAL ESTATE, THEN OPERATING EXPENSES, AND THEN PARKING ARE TYPICALLY THE COMPONENTS OR -- ACTUALLY THE AUSTIN MARKET WENT THROUGH A TRANSITION. THE TRIPLE NET IS FAIRLY RECENT IN BEING USED. USUALLY YOU JUST THOUGHT OF THE WHOLE LEASE RATE, IT'S CALLED A GROSS LEASE, YOU KNEW WHAT YOU WERE KINDS OF PAYING EVERYTHING INCLUDED. THE TRIPLE NET COMPONENT KIND OF SPLITTING

THOSE ELEMENTS UP, YOU HAVE GOT THREE LINE ITEMS TO KNOW WHAT YOUR TOTAL RENT WOULD BE. USUALLY PARKING IS NOT INCLUDED WHEN PEOPLE TALK ABOUT WHAT RENTAL RATES ARE FOR BUILDINGS. WHEN YOU HEAR -- WHEN THEY SAY \$27.53 FOR INSTANCE MENTIONED IN THE PAPER, THAT WOULD NOT INCLUDE PARKING, PARKING IS A SEPARATE LINE ITEM THAT WOULD BE PAID.

SLUSHER: THANK YOU, MR. HILGERS, LET ME ASK YOU ONE OTHER QUESTION. I HAVE RECEIVED A COUPLE OF E-MAILS TODAY SINCE THE ARTICLE APPEARED SAYING THIS IS GOING TO BE LIKE ANOTHER -- WELL, LIKE VISION VILLAGE PROJECT. THE PAPER DIDN'T SAY THAT, SOME E-MAILS I GOT DID.

YES, SIR.

SLUSHER: AND TALK TO ME ABOUT -- MY UNDERSTANDING OF IT IS THAT IF THERE'S NO PRODUCT, THAT OCCURS, THEN -- THEN THE CITY WON'T BE INCURRING ANY EXPENSE. WE WOULD ONLY BE PAYING WHEN WE HAVE A BUILDING --

YES, SIR, THAT'S CORRECT. WHAT WE ARE ASKING FOR AUTHORIZATION TO DO IS TO ENTER INTO A NEGOTIATION AND EXECUTION FOR A LEASE FOR A BUILDING THAT WILL BE BUILT. IF IT'S NOT BUILT, FOR SOME REASON, THEN OBVIOUSLY THERE'S NOTHING TO LEASE. SO --

SLUSHER: WE DON'T WANT THE CITY TO HAVE TO PAY ANYTHING.

YES, SIR, THAT'S CORRECT.

OBVIOUSLY THAT'S A KEY DIFFERENCE.

YES, SIR.

IT IS ABSOLUTELY A KEY DIFFERENCE, ALONG WITH A VARIETY OF OTHER DIFFERENCES THAT I -- THAT I SHOULD PROBABLY NOT GET OFF INTO AT THIS POINT.

SLUSHER: THAT'S RIGHT, MAYBE I SHOULDN'T HAVE BROUGHT IT UP. CITIZENS WERE ASKING THAT, IF I COULD RESPOND TO THE CITIZENS. THAT'S ALL OF THE QUESTIONS THAT I HAD, MAYOR.

MAYOR GARCIA: ARE THERE OTHER QUESTIONS?

WYNN: YES, MAYOR.

MAYOR GARCIA: COUNCILMEMBER WYNN?

WYNN: THANK YOU, MR. HILGERS THE ISSUE OF IF THE BUILDING DOESN'T GET BUILT THEN THE CITY IS NOT OUT ANYTHING, EVERY OTHER LEASE THAT I HAVE EVER SEEN, PARTICULARLY WHAT I CALL ANING ON CORE TENANT WHEN FROM A PERCENTAGE STANDPOINT THE CITY OF AUSTIN CLEARLY WOULD BE, IF THE LANDLORD DOESN'T PERFORM, DOESN'T BUILD YOUR BUILDING, MEANWHILE YOU HAVE WAITED TWO YEARS, THE MARKET HAS CHANGED, YOU HAVE MOVED PEOPLE AROUND, THEN ALL OF A SUDDEN YOU ARE EXPOSED AND HAVE TO FIND OFFICE SPACE AT THE SPUR OF THE MOMENT WITH VERY LITTLE NEGOTIATING LEVERAGE, WHAT'S THE PENALTY IF THE BUILDING DOESN'T GET BUILT

ON TIME?

I DON'T KNOW --

PLEASE TRY TO ADDRESS THAT PARTICULAR --

YES, SIR. CURRENTLY, AS THE ANCHOR TENANT WOULD OCCUPY ABOUT 40% OF THE SPACE WHERE THAT WOULD BE FOR CLOSED TERMS, THERE WERE CURRENTLY ABOUT 20% MORE OF THE SPACE THAT'S UNDER PRELEASING NEGOTIATIONS AND FINALIZATION. THERE'S AN ADDITIONAL ABOUT 6,000 SQUARE FEET THAT THEN STILL HAS TO BE LEASED BEFORE IT'S 70% PRELEASED IN ORDER FOR THE CONSTRUCTION LENDING TO KICK IN AND START THE BUILDING. WE ARE NEGOTIATING THE DETAILS, BUT I WOULD ANTICIPATE WE WOULD HAVE A DROP DEAD DATE WHEREAS IF THE CONSTRUCTION FUNDING WASN'T IN PLACE, AND THE BUILDING STARTED, THAT AT OUR OPTION THAT -- THAT WE COULD -- PULL OUT FROM THE DEAL. THE TIME FRAME HASN'T BEEN NEGOTIATED BUT WE DO NEED TO BE PROTECTED.

WHAT KIND OF TIME FRAME DO YOU RECOMMEND.

THAT'S CURRENTLY UNDER DISCUSSION. I DON'T HAVE AN ANSWER FOR YOU THIS MINUTE. CERTAINLY IT WOULD BE ANTICIPATED IF YOU ARE AT 60%, PRELEASED AT THIS POINT, IF THIS LEASE WERE TO BE APPROVED AND YOU NEED 10% MORE TO GO OR ABOUT THAT 6,000 SQUARE FEET THAT -- THAT THAT'S GOING TO BE A TOP PRIORITY THAT THAT ADDITIONAL PERCENTAGE BE ACQUIRED FROM THE MARKET BY THE DEVELOPERS OF THE PROJECT AND SO YOUR ONE WAY OF LOOKING AT IS IS 6/7THS

THERE AS FAR AS BEING STARTED.

WHICH IN MY OPINION IS WHY THE LANDLORD SHOULD BE VERY WILLING AS MOST OF THEM ARE TO ENTER INTO SOME KIND OF PENALTY ARRANGEMENT WHERE IF THEY ARE ALREADY 60% REPRELEASED THEY SHOULD HAVE A LOT OF CONFIDENCE THEY ARE GOING TO GET THE BUILDING REFINANCED AND -- FINANCED AND BUILT.

YES, SIR.

THE ISSUE EARLIER ABOUT -- ABOUT THE FACT IT'S A TRIPLE NET LEASE AND THERE ARE ESCALATION CLAUSES, MY EXPERIENCE HAS BEEN THAT YOU HAVE ONE OR THE OTHER. THAT IS THIS IS A TRIPLE NET LEASE. AS THE PROPERTIES, OPERATING EXPENSES INCREASE, THAT IS TAXES, INSURANCE, AND UTILITY BILLS, ET CETERA, GO UP, THAT'S JUST PASSED THROUGH TO THE TENANT. SO THE CITY OF AUSTIN YOU ARE PAYING THAT ESCALATION ALREADY. BUT IN ADDITION TO THAT YOU HAVE THE ACTUAL RENT ITSELF BEING ESCALATED. I'M NOT FAMILIAR WITH THAT ARRANGEMENT VERY OFTEN.

YES, SIR. YOU HAVE A VALID POINT AND IT BEEN OUR EXPENSE IN THE LAST COUPLE OF LEASES THAT WE'VE EXECUTED THAT PARTICULARLY AS THE MARKET HAS CERTAINLY NOW COOLED, THAT THERE ARE LESS INDICATIONS THAT THAT'S COMMONPLACE THAT YOU WOULD HAVE INCREASES ON BOTH OF THOSE PLACES. PRIOR TO THE COOLING OF THE MARKET, IT -- AT LEAST MY EXPERIENCE, WE HAVE ENTERED INTO A COUPLE OF LEASES WHERE THAT WAS THE FINAL AND BEST OFFER AS PROVIDED BY THE OWNER, A 4% INCREASE COMES TO MIND AT THE CHASE

BANK BUILDING, WE HAVE A COUPLE OF LEASES THERE AND -- IT WAS A SIGN OF THE TIMES AS FAR AS THE LANDLORDS BEING ABLE TO TAKE ADVANTAGE OF THE MARKET. ONE OF THE CONSIDERATIONS HERE IS THAT THIS LEASE WOULD NOT BEGIN FOR APPROXIMATELY TWO YEARS OUT AND -- YOU KNOW, I GOT TO THINKING ABOUT THAT POINT, SO EFFECTIVELY WE ARE ASKING SOMEONE TO LOCK IN TODAY WHERE THE MARKET IS ANTICIPATED TO HAVE STABILIZED AND PERHAPS HAVE SLIGHT INCREASES, THEN WHATEVER SLIGHT INCREASES MIGHT HAVE OCCURRED BETWEEN NOW AND TWO YEARS, THAT THAT'S POSSIBLY BEING FORGONE, SO I PLACED A ROUND OF PHONE CALLS ASKING THE HYPOTHETICAL QUESTION OF WOULD IT BE POSSIBLE FOR ME WITH THE BUILDING OWNER TO ENTER INTO AN ARRANGEMENT WHERE TODAY WE COULD AGREE TO THEIR CURRENT ASKING PRICE. BUT IF THEY HAPPEN TO HAVE SPACE AVAILABLE IN TWO YEARS, WOULD THEY AGREE TO LEASE IT TO US AT THAT PRICE THAT THEY HAVE IT TODAY AND THERE WAS RELUCTANCE TO ENTER INTO THAT JUST SIMPLY ON I GUESS THE SPECULATION THAT -- THAT THE RATES MIGHT BE HIGHER IN THE FUTURE, SO -- SO IN THAT REGARD, THE INCREASE, THE RATE -- THE RATE PRIMARILY LOCKED IN AT SOME POINT THERE, I GUESS THE FOURTH YEAR AS THE RATE LOCKS IN, THIRD AND FOURTH YEARS, THEN THERE'S NO MORE RATE INCREASES OTHER THAN THAT, YOU KNOW, PERCENT INCREASE. BUT YOUR POINT IS WELL TAKEN.

EARLIER MS. DUNKERLY MENTIONED ABOUT -- ABOUT THE FACT THAT -- THAT CONSIDERING TODAY'S DOWNTOWN MARKET, IF WE WOULD NEED TO ESCALATE DOWNTOWN RENTS IN ORDER TO COMPARE APPLES AND APPLES, BUT IT'S MY UNDERSTANDING THAT A ONE CAN GET A FLATTEN YEAR LEASE WITH OFFICE SPACE

DOWNTOWN. THAT IS BECAUSE IT'S TRIPLE NET, WHATEVER IS QUOTED IN CAR AMERICA'S BUILDING TODAY, ONE COULD SIGN A LEASE FOR THAT RENT WITH NO ESCALATIONS, SO I DON'T BUY THAT ELEMENT OF THE ANALYSIS.

YES, SIR. I WOULD AGREE THAT THEY ARE IN THE MARKET NOW AS THERE ARE DIFFERENT MOTIVATIONS ON OWNERS AND TENANTS THAT FLAT RATES ARE AVAILABLE, YES, SIR.

OKAY. I APOLOGIZE IN ADVANCE, I -- THE STAFF DID SCHEDULE A -- SOME TIME WITH ME THIS WEEK TO GO OVER THE LEASE AND I HAD TO CANCEL THE MEETING. SO ALL THESE QUESTIONS I WOULD HAVE ASKED IN OUR MEETING, BUT I DIDN'T GET A CHANCE TO. THE LEASE ITSELF, WE ARE APPARENTLY -- MR. HILGERS, WE ARE EXPANDING THE SQUARE FOOTAGE OF YOUR COMBINED OFFICES BY 50%? WHAT'S THE RATIONALE THERE.

A COUPLE OF RATIONALES. ONE IS MY OFFICE SEVERAL YEARS AGO USED TO OCCUPY ABOUT 16,000 SQUARE FEET BETWEEN -- ON ONE FLOOR OF ONE AMERICAN -- ONE TEXAS CENTER. WE COMBINED THAT SPACE INTO TWO FLOORS, HALF OF -- NOT QUITE HALF OF TWO FLOORS, CLOSE TO HALF OF TWO FLOORS ON THE SIXTH AND SEVENTH FLOOR. SO WE ARE IN FAIRLY -- WELL, WE ARE IN CRAMPED QUARTERS IN THOSE LOCATIONS ON ONE TEXAS CENTER, PLUS WE NOW HAVE ESTABLISHED A COMMUNITY LENDING OFFICE WHICH IS 2,000 SQUARE FEET, WHICH IS ALSO IN CRAMPED QUARTERS. AND THE OBJECTIVE OF FINDING THE EXPANDED SPACE IS ONE TO LOCATE US IN ONE LOCATION, SO WE CAN BE A UNIFIED OFFICE, WHERE AUSTIN HOUSING FINANCE CORPORATION, OUR NEIGHBORHOOD LENDING, ALL OPERATING IN THE SAME FACILITY. THE SECONDLY, TO DO THAT

IN A PLACE, THEN A LOCATION, THAT WE THINK IS CRITICAL TO OUR MISSION. AND TO MAKE OUR SERVICES AVAILABLE TO HER, MORE AVAILABLE TO THOSE IN WALKING DANCE TO THOSE WHO NEED THEM THE MOST. THOSE FOLKS IN AND AROUND CENTRAL EAST AUSTIN. ALSO ACCESSIBLE TO -- TO THE BALANCE OF THE COMMUNITY BY ITS ACCESSIBLE TO I-35. BUT -- BUT WE ARE EXPANDING OUR OFFICE SPACE BY SOME, 8500 SQUARE FEET. AND -- AND -- AND WE BELIEVE -- WE BELIEVE AND ARE EXCITED ABOUT THE PROSPECT OF BEING ABLE TO HAVE MEETINGS WITH -- WITH -- WITH NEIGHBORHOOD ASSOCIATIONS AND AS I SAID EARLIER WITH -- WITH CLASSES OF -- OF CREDIT COUNSELING AND HOME OWNERSHIP COUNSELING AND -- AND NEIGHBORHOOD PLANNING MEETINGS AND -- AND BOARD MEETINGS FOR SOME OF THE ORGANIZATIONS THAT WE DEAL WITH. AND -- AND SO -- SO WE THINK THAT WE CAN JUSTIFY, WE BELIEVE THAT -- THAT IT IS A GREAT INVESTMENT TO BE ABLE TO PUT US ON THAT SPOT AT -- AT WHAT HAS BEEN DEEMED TO BE A REASONABLE COST.

I AGREE THAT THE LOCATION OF THE -- OF THE LEASE PREMISES IS PERFECT FOR YOUR OFFICES. MY ISSUE WAS WITH THE -- WITH THE 50% INCREASE OF THE SPACE. WHAT --

AGAIN --

WHAT CAN BE THE -- THE INDUSTRY AVERAGE, WHAT WILL HAPPEN IS AS YOU CONSOLIDATE SPACES FROM THREE DIFFERENT OFFICES LIKE WE HAVE NOW, YOU WILL ACTUALLY GAIN EFFICIENCIES, SO IN FACT WHAT'S -- WHAT'S FREQUENTLY SEEN, PARTICULARLY IN THE TYPE - - IN A TIGHT FINANCIAL ENVIRONMENT IS THAT CONSOLIDATION CAN MEANS A SQUARE

FOOTAGE REDUCTION IN SPACE.

CERTAINLY IN OUR OFFICE SPACE, ABSOLUTELY, YOU ARE CORRECT. BUT I WOULD SUGGEST IF WE ARE GOING TO BE MEETING WITH INDIVIDUALS ABOUT LOANS, ABOUT HOME OWNERSHIP LOANS, AND BE ABLE TO HAVE MORE PRIVATE DISCUSSIONS WITH PEOPLE ABOUT THOSE KINDS OF MORTGAGE ISSUES THAT THEY WOULD HAVE IN LENDING AND REHABILITATION PROGRAMS ON A REGULAR BASIS, WE WILL BE ABLE TO HAVE MORE PRIVACY WITH THOSE FOLKS THAN WE CURRENTLY HAVE. SECONDLY, NONE OF OUR FACILITIES HAVE ANY OPPORTUNITY FOR THE PUBLIC TO ACCESS IN A LARGE COMMUNITY ROOM. WHAT WE HAVE TO DO IS EITHER GO TO THE THIRD FLOOR OR WE WILL HAVE TO GO TO A DIFFERENT CONFERENCE ROOM AND -- IN ONE TEXAS CENTER OR WE WILL GO MEET IN THE COMMUNITY NEIGHBORHOOD CENTERS OR SOME OTHER PLACES THAT WE WILL HAVE TO MEET BECAUSE WE DON'T HAVE THAT SPACE. SO YOU ARE ABSOLUTELY CORRECT IN THAT OUR OFFICE SPACE MAY BE ABLE TO BE MORE EFFICIENT, BUT IT SHOULD OFFER US THE OPPORTUNITY TO PROVIDE MORE DIRECT CLIENT SERVICES AND SPACE FOR THAT CLIENT SERVICE AND INTERACTION THAN WE HAVE HAD IN THE EXISTING OFFICE SPACE THAT WE HAD.

THAT CLEARLY CAN BE A BENEFIT FOR YOUR WORK. HOW MANY -- HOW MANY TOTAL EMPLOYEES WOULD YOU EXPECT TO HAVE THERE?

WELL, IN '03, AT THIS POINT WE HAVE 69 F.T.E.S. IN MY DEPARTMENT CURRENTLY. YOU ANTICIPATE THAT--

I ANTICIPATE BEING APPROXIMATELY THE SAME,
YES, SIR.

WYNN: ON THE PARKING, WE ARE PURCHASING
73 PARKING SPACE --

STRUCTURED, STRUCTURED PARKING, THAT'S
CORRECT.

IS THAT FIXED OR ON DEMAND?

FIXED, RESERVED PARKING SPACES.

SO THERE'S NO INCENTIVE FOR CITY EMPLOYEES
TO CAR POOL TOGETHER AND -- AND/OR RIDE
MASS TRANSIT.

WELL, THE CITY HAS ITS OWN PROGRAMS TO DO
THAT, BUT IN THE LEASE I GUESS IS YOUR
POINT.

THAT'S RIGHT. EVEN IF -- IF THE CITY
EMPLOYEES DECIDE TO START TAKING
ADVANTAGE OF SOME OF OUR PAY FOR CAR
SHARE SORT OF PROGRAMS AND WE START --
YOU STILL HAVE, SAY, 70 BODIES IN YOUR
OFFICE, BUT PERHAPS ONLY 50 CARS DRIVEN
EVERY DAY, WE STILL WILL BE PAID FOR THE
NEXT 10 YEARS FOR, SAY, 23 EXTRA PARKING
SPACES AT \$55 A MONTH. ONLY 3.5% A YEAR.

I WOULD SUPPOSE THAT'S A POSSIBILITY, YES,
SIR.

EVEN IF WE ARE NOT USING THE PARKING

SPACES.

OR WE WOULD MAKE THOSE AVAILABLE TO THE PUBLIC, BUT I GUESS WE WILL BE PAYING FOR THEM, THAT'S YOUR POINT.

WYNN: MY EXPERIENCE, PARTICULARLY WITH SAY DOWNTOWN LEASES, IS THAT A CLEVER TENANT WHO IS NEGOTIATING WELL WITH HIS LANDLORD HAS THE ABILITY TO LEASE UP TO 73 PARKING SPACES AT 55 PER MONTH OR WHATEVER THE RATE MAYBE ON DEMAND. SO THAT IS -- IN FACT THE DOWNTOWN TENANTS ARE AHEAD OF MOST OF THE REST OF THE REGION IN -- IN FIGURING OUT HOW THE MARKET DEMAND ULTIMATELY CAN -- CAN INDUCE CAR POOLING AND MASS TRANSIT AND DOWNTOWN LIVING, ET CETERA. NOW, AS AN EXAMPLE, I WOULD HOPE THAT WE HAVE A HANDFUL OF -- OF EMPLOYEES THAT LIVE WITHIN PROXIMITY TO THIS LOCATION, WHICH WILL BE ONE OF THE ADVANTAGE JOYS REASONS FOR -- ADVANTAGEOUS REASONS FOR GOING OVER THERE, THAT THEN COULD REQUIRE YOUR CAR -- FEWER CARS GOING IN AND OUT OF THE PROJECT, TYING UP STREETS, ET CETERA.

YES, SIR. WE ARE FIX --

WYNN: WE ARE FIXED IN FOR THE NEXT 10 YEARS, 73 SPACES AT 55 A MONTH, DISSIPATE OUR DEMAND.

> LET ME MAKE A STATEMENT, PAUL, JUST TO SEE IF THIS APPEARS CORRECT TO YOU. IN LOOKING AT THE NUMBER OF SPARK PARKING SPACES IT MAY BE NECESSARY TO DESIGNATE SOME OF THOSE AS VISITOR PARKING WHEN FOLKS COME IN FOR TRAINING OR CONFERENCE,

SO THE FINAL DETERMINATION OF THE EXACT NUMBER OF EMPLOYEE PARKING SPACES, I DON'T KNOW IF WE CAN SAY IT'S BEEN MADE YET. SO IT MAY BE THAT THERE -- THERE IS A WAY THAT IT'S RECOGNIZED THAT NOT ALL EMPLOYEES WOULD BE -- HAVE A PARKING SPACE.

BACKUP SAYS THAT ALL OF THE VISITOR PARKING IS SURFACE PARKING, IT'S FREE, WHICH IS ONE OF THE RATIONALES FOR GOING OVER THERE IN THE FIRST PLACE.

WE'VE HAD SOME CONTINUING NEGOTIATIONS ON THE LEASE, KINDS OF RUNNING THAT SCENARIO THROUGH AS IT'S 100% LEASED OUT AND -- AND THAT'S STILL UNDER NEGOTIATION, BUT IF THE SCENARIO COULD ARRIVE THAT THERE WAS VISITOR PARKING FOR CITY VISITORS THAT WOULD COME OUT OF OUR ALLOCATION OF THOSE 73 SPACES.

OKAY. CAN WE TALK ABOUT -- AT THE END OF THE LEASE TERM, WHAT RENEWAL AND/OR EXPANSION RIGHTS DO WE HAVE BUILT INTO THE LEASE?

THIS I MY UNDERSTANDING, I WILL WELCOME BYRON OR MATT TO COMMENT IF THEY FEEL THE NEED TO. IT MY UNDERSTANDING THAT THE MISSION OF THE ARA IS TO PROVIDE AN ENTREPRENEURIAL PRESENCE AND EFFORT TOWARD PROMOTING LOCAL BUSINESSES IN THE CENTRAL EAST AUSTIN AREA. AND IN THE SPIRIT OF KEEPING WITH THAT, THE CITY IS CERTAINLY A VALUED TENANT AS THE PROJECT IS KICKED OFF THE GROUND AND -- AND HELPS ESTABLISH IT AS A VALID PRESENCE IN THE COMMUNITY AND THEN THEIR LONG-TERM HOPE IS THAT IT'S TURNED OVER TO THE LOCAL BUSINESSES AND - - AND CERTAINLY AT THE END OF THE TERM IF

THERE'S SPACE AVAILABLE, SHOULD IT -- YOU KNOW, TURN OUT THAT WAY, THEY WOULD BE WILLING CERTAINLY TO TALK WITH THE CITY FURTHER, BUT THEY ARE HOPING NOT TO BE LOCKED INTO A SITUATION WHERE THEY -- WHERE THEY WOULD COMPROMISE THEIR ABILITY TO WORK WITH LOCAL BUSINESSES FOR THE LONG-TERM.

IF BY MOVING OVER TO THIS LOCATION, WHICH MAKES A LOT OF SENSE FOR THE -- FOR THE BUSINESS MODEL AT HAND, WERE EVEN FAR MORE SUCCESSFUL THAN ME HILGERS CAN IMAGINE TODAY. AND THERE'S ANY NUMBER OF - - NUMBER OF -- FURTHER REASONS TO -- TO BE IN THAT LOCATION, BUT -- BUT 10 YEARS FROM NOW, BECAUSE OF THE UNPREDICTABLE REAL ESTATE DEVELOPMENT PSYCH DEL, WE HAVE NO IDEA, NO WAY TO PREDICT, AVAILABILITY OF SPACE THERE. IT COULD JUST BE THAT THE -- THAT THE REST OF THE DEVELOPMENT IS SO SUCCESSFUL THAT ALL OF THE BUILDINGS WERE BUILT OUT, LEASED AND OF COURSE EVERY PRIVATE TENANT WOULD DEMAND AT LEAST ON MARKET RENEWAL OPPORTUNITY THAT WE COULD FIND OURSELVES AT THE -- WITH A VERY IMPORTANT COMMUNITY SET OF DEPARTMENTS - - EXACTLY WHERE WE WANT TO BE FROM A CITY STANDPOINT AND NOT HAVE THE ABILITY TO STAY THERE.

ON THE -- ON THE POINT OF -- OF THE RENEWAL OPTIONS, THERE'S BEEN SOME ADDITIONAL NEGOTIATIONS AND THIS -- THIS WILL NOT ADDRESS YOUR POINT DIRECTLY, BUT JUST AS AN INDICATION THAT THERE IS DISCUSSION GOING ON, THAT -- THAT A A -- SIMILAR TO A RIGHT OF FIRST REFUSAL OR IF THERE WAS SPACE AVAILABLE IN THE BUILDING AT THAT TIME, THEN THE CITY WOULD BE GIVEN AN OPPORTUNITY TO -- TO PERHAPS LEASE THAT

SPACE BUT THOSE AREN'T, THE DISCUSSIONS AREN'T FINALIZED, LET ME SEE IF I HAVE MISSPOKEN. IF INTERNALLY OUR CYCLE BEGINS ABOUT TWO YEARS OUT ON A LEASE RENEWAL WITH THIS -- WITH THE COUNCIL TYING, THE STUDY, THE NEGOTIATIONS, WE WILL BE LOOKING TWO YEARS OR EIGHT YEARS INTO THE LEASE AS FAR AS WHAT THE NEXT STEP IS, THAT BEING FURTHER DISCUSSION, ARA OR IF IT HAS TO BE ANOTHER PROPERTY FOUND ON THE MARKET TO MOVE TO WOULD OCCUR IN ADVANCE TO MINIMIZE, HOPEFULLY ANY DISRUPTION IN THE SERVICES OR THE DEPARTMENTS INVOLVED.

WELL, I AGREE. JUST MY EXPERIENCE IS THAT ANY -- ANY TENANT, PARTICULARLY WHAT I -- WHAT I CONSIDER OURSELVES TO BE AN ANCHOR TENANT IN THIS SITUATION, WE JUST MAKE SURE THAT WE HAVE ALL FLEXIBILITY BUILT IN. IN FACT EVERY PRIVATE SECTOR, TENANT THAT I EVER DEALT WITH WOULD DEMAND LOW MARKET RENEWALS, PERHAPS THEN A PERCENTAGE OF THE -- FIVE OR 10% DISCOUNT FOR STAYING. WHAT ENDED UP HAPPENING IS IT BUILDS IN THE INEVITABLE FLEXIBILITY FOR THE TENANT. WHAT MAY HAPPEN IN ORDER TO INDUCE THE ADDITIONAL 10% OR SO NEEDED TO FULLY FINANCE THIS ON A PRELEASING BASIS, THE DEVELOPER WILL DO WHAT ALL DEVELOPERS DO, WHICH IS START OFFERING ANY OTHER NON-FINANCIAL INCENTIVES TO THE REST OF THE TENANT BASE OF THAT BUILDING, INCLUDING EXPANSION RIGHTS AND RENEWAL RIGHTS THAT THEN WILL BE -- WILL BE -- THAT WE WILL BE SUBORDINATED TO. I SEE A SITUATION WHERE WE COULD BE HUGELY SUCCESSFUL THERE. THE ARA DEVELOPMENT BEING HUGELY SUCCESSFUL. THE WHOLE RATIONALE FOR US BEING THERE IN THE FIRST PLACE IS EVEN STRENGTHENED 10 YEARS FROM NOW. AND WE FIND OURSELVES

NOT HAVING THE BUILDING TO HAVE SPACE.

SOME DISCUSSIONS TOOK PLACE THIS EVENING AT THIS POINT, I CAN SAY THAT THOSE WILL CERTAINLY BE PURSUED AS FAR AS THE RENEWAL AND/OR AN EXPANSION OPTION WITHIN THE BUILDING. I CAN GET BACK TO YOUR OFFICE WITH REGARDS TO A STATUS OF THAT. LET ME KNOW, I WOULD BE CURIOUS TO HEAR THAT. ALSO I AM STUNNED ABOUT THE PARKING. WE SHOULD BE -- OUR PUBLIC POLICY FOR THE CITY SHOULD BE TO ENCOURAGE A REDUCTION IN PARKING. IN THIS CASE THERE'S A NET FINANCIAL BENEFIT TO US AS A TENANT TO HAVE -- TO BE PAYING FOR LESS PARKING, WHILE AT THE SAME TIME FREEING UP PARKING FOR OTHER IMPORTANT ARA TENANTS. YOU KNOW, REDUCING THE -- THE TRAFFIC IMPACT OF THE REDEVELOPMENT THROUGHOUT THOSE IMMEDIATE NEIGHBORHOODS, ONE OF THE RATIONALES THAT I SAW FOR THE LEASE IS IN FACT THE PROXIMITY TO THE CAPITAL METRO BUS STOP AND THE -- AND THE LINES THERE. SO I -- I'M -- I'M DISAPPOINTED IN THE PARKING ARRANGEMENT, THAT'S NOT ON AN AS NEEDED OR DEMAND BASIS. ONE COMMENT TO AN ITEM, THAT IS WE HAVE HAD DISCUSSIONS THAT SHOULD THERE BE THE LOT FULLY LEASED UP, AND IT'S DETERMINED THAT THE CITY IS NOT UTILIZING THE 73 SPACES, AND THOSE SPACES WHICH ARE EXCESS THEN TO US AT THAT POINT COULD BE LEASED BY ANOTHER TENANT, THAT THERE'S ROOM TO WORK. WE COULD REDUCE THAT NUMBER OF SPACES THAT ARE AS PART OF THE LEASE, THAT IS CORRECT, IF -- IS THAT CORRECT IF THERE'S THE ABILITY OF THOSE SPACES TO BE UTILIZED BY ANOTHER TENANT.

YES.

SO WE WILL STRIVE TOWARD THAT DETAIL OR

AT THIS POINT WE DON'T KNOW.

ALL MY QUESTIONS FOR NOW MAYOR, THANK YOU.

MAYOR GARCIA: COUNCILMEMBER WYNN? FURTHER QUESTIONS. THANK YOU. IS THERE A MOTION ON THIS ITEM? LET ME SAY JUST A FEW WORDS HERE. -- TO LET EVERYBODY -- TO EVERYBODY HEAR CAN LISTEN TO MY CONCERNS IN THIS PARTICULAR AREA. THIS CITY FOR A LONG, LONG TIME HAS MADE A COMMITMENT TO -- TO HELP IN INVIGORATING AND BRINGING THAT PORTION OF THE COMMUNITY INTO THE ECONOMIC MAINSTREAM. UNFORTUNATELY THE PRIVATE SECTOR DOES NOT FIND IT APPEALING OR FEASIBLE TO DO THE THINGS THAT NEED TO BE DONE. SO SOMETIMES THE CITY HAS TO COME IN, LIKE IN THIS CASE, TO TRY TO REVIVE THE AREA, TO -- TO ONCE AGAIN MAKE THAT AREA THAT WAS SO VIBRANT AT ONE TIME, MAKE IT STRONG AND -- AND VIBRANT. I THINK THAT WE NEED TO LOOK AT THIS PARTICULAR INVESTMENT IN THAT LIGHT. WE HAD TWO OTHER ITEMS THAT WE DID TODAY FOR ARA. IT'S AN INVESTMENT AND THOUGH I APPRECIATE VERY MUCH THE QUESTIONS THAT -- THAT COUNCILMEMBER SLUSHER AND COUNCILMEMBER WYNN MADE, I THINK THAT THE STAFF CAN USE THOSE QUESTIONS TO MAKE SURE THAT THE VALUE THAT WE GET IS APPROPRIATE, I STILL THINK WE NEED TO WORK WITH THE DEVELOPER SO THAT WE CAN BRING THOSE IMPROVEMENTS INTO THAT AREA, SO THAT WE CAN DELIVER ON THE COMMITMENTS THAT MANY OF US HAVE MADE WHEN WE GO POLITICAL IN THAT AREA OF TOWN. THE LONG PAST DUE FOR US TO HAVE SOMETHING DONE IN THAT AREA AND -- AND THOUGH THE NUMBERS PROBABLY DON'T WORK AS -- AS THEY SHOULD, IN THE TRADITIONAL MARKETS, I THINK THIS IS

A GOOD INVESTMENT. THIS IS A GOOD WAY FOR THE CITY NOT JUST TO HELP THAT PROCESS BY INVESTING, BUT ALSO BY PUTTING OUR PEOPLE THERE WHO CAN THEN WORK WITH THE NEIGHBORHOODS IN A MORE CONVENIENT WAY TO BRING ABOUT THE CHANGES THAT WE NEED TO BRING IN THAT AREA. SO -- SO STAFF I THINK CAN BENEFIT FROM HER QUESTIONS THAT BOTH COUNCILMEMBERS ASKED AND WE -- WE CAN DO THE THINGS THAT -- THAT PARTICULARLY COUNCILMEMBER WYNN WHO WAS AN EXPERT IN THIS PARTICULAR AREA, BUT THE QUESTIONS THAT WERE VERY, VERY INSIGHTFUL, I THINK VERY VALUABLE, YOU KNOW, FOR THE DELIBERATIONS FOR THIS PARTICULAR AREA. MATT, GOOD LUCK TO YOU TO GET THIS PROJECT UNDERWAY.

I THINK THAT AREA OF EAST AUSTIN WILL -- WILL COME BACK AND WILL COME BACK IN A STRONG WAY BECAUSE IT IS REALLY AN EXTENSION OF DOWNTOWN, ONE THAT -- ONE THAT IS NEEDED. THANK YOU VERY MUCH FOR YOUR COMMENTS.

THOMAS: MAYOR?

MAYOR GARCIA: COUNCILMEMBER THOMAS?

THOMAS: I GO ALONG WITH WHAT YOU ARE SAYING. COMISH AND -- COUNCILMEMBER SLUSHER AND COUNCILMEMBER WYNN, WITH THE QUESTIONS, THE QUESTIONS THAT NEED TO BE ANSWERED, THEN WE CAN GET THOSE ANSWERED. SO LIKE THE MAN SAYS IT'S LONG OVERDUE, THIS IS AN OPPORTUNITY FOR US TO MAKE THAT STEP. I KNOW IT'S GOING TO BE A STEP BY STEP PROCESS. BUT I GUARANTEE ONCE WE GET THERE, WE WILL SEE THE BENEFITS OF -
- OF REVITALIZING THAT AREA, BECAUSE I

BELIEVE THAT -- THAT'S WHAT WE WERE
LOOKING FOR ARA TO DO. PARTNER WITH --
PARTNER WITH THE DEVELOPER THAT WILL COME
IN AND DO THE THINGS THAT NEED TO BE DONE
TO REVITALIZE THAT AREA. AND IT IS -- IT IS A
GOOD STEP -- STEP FOR STAFF TO BE WILLING
TO -- TO MOVE THAT PARTICULAR DEPARTMENT
IN THAT AREA. THAT WILL BENEFIT THE WHOLE
AREA LIKE PAUL HILGERS SAID. I COMMEND
STAFF AND BUYER RON AND MR. MATT MATHIAS,
WHATEVER WE CAN DO AND I'M SURE THE
COUNCIL IS WILLING TO MAKE THIS PROJECT
MOVE FORWARD.

MAYOR GARCIA: I WILL ENTERTAIN A MOTION ON
THIS ITEM.

THOMAS: I MOVE IT BE APPROVED MAYOR.

MAYOR GARCIA: MOTION BY COUNCILMEMBER
THOMAS TO APPROVE ITEM NO. 38, IS THERE A
SECOND? SECONDED BY COUNCILMEMBER
ALVAREZ. DISCUSSION?

SLUSHER: MAYOR, I WOULD LIKE TO SAY A FEW
THINGS. YEAH. COUNCILMEMBER WYNN, I THINK
IT WAS APPROPRIATE THAT WE ASKED THESE
QUESTIONS AND LIKE YOU SAID, I THINK HIS
WERE A LOT MORE PRECISE THAN MINE IN THE --
AS AN EXPERT IN THE FIELD. I ALSO THINK THIS
IS A GOOD INVESTMENT. SOMETHING THAT WE
HAVE ALWAYS FACED AS A CITY IS TRYING TO
HELP REVITALIZE THIS AREA IS THAT -- THAT
THE CITY IS COMMITTED TO DOING THAT. BUT
WE ALSO ARE WHICH ITED TO -- COMMITTED TO
PROTECTING THE TAXPAYERS DOLLARS, MAKING
SURE THAT WE GET THE UTMOST OUT OF THOSE
INVESTMENTS. SOMETIMES THAT'S BEEN REALLY
RANCEROUS TO EVEN ASKING ANY QUESTIONS
ABOUT THAT, ABOUT ANY INVESTMENT IN THIS

AREA. AND WE ALSO HEAR THE CITY DOESN'T DO ANYTHING IN EAST AUSTIN, IN THIS AREA, YOU CAN WALK THROUGH, DRIVE THROUGH, CAN SEE THAT THAT'S NOT THE CASE. BUT IN THIS INSTANCE, THE CITY HAS A -- GOTTEN FEDERAL FUNDS TO GET THE ARA STARTED AS -- AS -- HAS ACCELERATED THE INVESTMENT IN WATER AND WASTEWATER INFRASTRUCTURE TO MAKE THIS POSSIBLE. COUNCILMEMBER THOMAS AND I RESPONSE SORESED THAT ITEM. SPONSORED THAT ITEM. HE HAS DONE A LONG LIST OF OTHER INVESTMENTS TO GET THIS STARTED. HERE IS ANOTHER, REALLY MAJOR INVESTMENT, BUT I THINK IT'S -- IT GOING TO BE WORTH IT. I WOULD ASK THAT THE STAFF TAKE SOME OF THESE SUGGESTIONS, TAKE COUNCILMEMBER WYNN -- THAT COUNCILMEMBER WYNN PUT FORWARD, SOME OF THE POINTS THAT HE MADE AND INCLUDE THOSE IN THE NEGOTIATIONS TO MAKE SURE THAT THE CITY DOES GET -- THAT THE CITY DOES GET A GOOD DEAL OUT OF THIS. BECAUSE IT IS A CONSIDERABLE AMOUNT OF MONEY. JUST FOR -- FOR RENTING.

MAYOR GARCIA: THANK YOU, COUNCILMEMBER.

MAYOR GARCIA: LET ME SAY THAT I DON'T WANT THIS OPPORTUNITY TO GO BY WITHOUT ALSO SHOWING A LITTLE BIT OF MY [INAUDIBLE] EXPERTISE. IN ACCOUNTING. IF YOU LOOK AT THE NUMBERS AS THEY APPEAR ON A PIECE OF PAPER, PERHAPS THEY DON'T ADD UP AS WELL AS -- AS SOME OTHER TRANSACTIONS, BUT -- BUT AS ALL ACCOUNT YANTS AND FINANCIAL PEOPLE -- ACCOUNTANTS AND OTHER PEOPLE KNOW, THERE'S OTHER NUMBERS THAT ARE DIFFICULT TO MEASURE, INTANKIBLES, HOW DO YOU STRENGTHEN COMMUNITIES. WHEN WE LOOK AT THIS, WE NEED TO LOOK AT A BROADER COSTING AND EXPENSE THAN JUST THOSE NUMBERS THAT CAN BE QUANTIFIED AND

REDUCED TO WRITING. SO I HOPE THAT THIS INVESTMENT PAYS OFF IN THE COMMUNITY. IT WILL PAY OFF IN WAYS THAT WE WILL PROBABLY NOT BE ABLE TO CLEARLY IDENTIFY FOR A WHILE, BUT I FEEL VERY GOOD ABOUT THIS PROJECT, I AM LOOKING FORWARD TO SEEING IT SUCCEED.

WYNN: MAYOR.

[ONE MOMENT PLEASE FOR CHANGE IN CAPTIONERS]

MAYOR GARCIA: OKAY, COUNCILMEMBER THOMAS, WOULD YOU CONSIDER THAT A FRIENDLY AMENDMENT?

THOMAS: NO, SIR.

MAYOR GARCIA: WELL, COUNCILMEMBER THOMAS, LET ME TRY YOU ON THAT ONE. I WOULD LIKE TO HAVE A MAJORITY VOTE ON THIS. I THINK THAT COUNCILMEMBER WYNN, ALTHOUGH HE'S NOT AS TEMPTED TO TRY TO STOP THIS FROM HAPPENING, HE'S TRYING TO MAKE SURE THAT THE CITY GETS A GOOD DEAL ON THIS AS WELL AND RATHER THAN POSTPONE FOR A WEEK, -- WE DO THAT ON MANY CONTRACTS WHERE WE AUTHORIZE NEGOTIATIONS AND THEN HAVE TO COME BACK TO THE COUNCIL FOR A FINAL VOTE AND SOMETHING OF THIS SIZE I THINK THAT WOULD BE APPROPRIATE.

THOMAS: MAYOR, COMMENT?

MAYOR GARCIA: COUNCILMEMBER THOMAS?

THOMAS: I UNDERSTAND AND I RESPECT HIS EXPERTISE. I ALSO EXPECT -- RESPECT THE STAFF EXPERTISE. AND I THINK IF WE COULD SIT DOWN AND TALK AND ANSWER SOME OF THE QUESTIONS THAT HE HAS A QUESTION ON, BUT I DO NOT WANT TO JUST STOP THE PROCESS IF WE COULD KEEP IT BEING MOVED AT THE SAME TIME. I THINK THAT STAFF WOULD ALLOW US TO SPEND ANY MORE MONEY. I KNOW IT DOESN'T LOOK RIGHT ON THE PARKING PART OF IT, BUT I THINK IT'S A GOOD PROJECT AND THAT IS THE REASON WHY I FEEL WE NEED TO CONTINUE FORWARD. AND ALL OF THOSE THINGS WE NEED -- AND WE HAVE DONE THIS BEFORE WITH THE COMPETENCE OF OUR STAFF.

MAYOR GARCIA: COUNCILMEMBER SLUSHER, DO YOU WANT TO -- .

SLUSHER: WE JUST HAD A LITTLE BIT DIFFERENT VIEW ON THE PREVIOUS ITEM. [LAUGHTER].

THOMAS: THAT'S ANOTHER ENTITY. I KNOW WE DON'T WANT TO GO BACK INTO THAT.

SLUSHER: I WANT TO DO ANOTHER TWO AND A HALF HOURS ON IT.

MAYOR GARCIA: YOU SAID WE WERE GOING DO THIS IN FIVE TO SIX MINUTES. OKAY. THERE'S A MOTION AND THEN THE AMENDMENT WAS NOT CONSIDERED FRIENDLY. DO YOU WANT TO MAKE THAT AMENDMENT SET UP FOR A VOTE?

SLUSHER: YES.

MAYOR GARCIA: OKAY. SO YOU MOVE THAT WE DO -- YOU AUTHORIZE NEGOTIATION, BUT NOT

EXECUTION. IS THERE A SECOND TO THAT?

GOODMAN: SECOND.

MAYOR GARCIA: SECONDED BY MAYOR PRO TEM.
DISCUSSION ON THE MOTION? ALL THOSE IN
FAVOR, SIGNIFY BY SAYING AYE. OPPOSED NO?

AYE. NO.

MAYOR GARCIA: I THINK THE VOTE WAS FOUR
TO THREE IN FAVOR OF THE AMENDMENT. BUT
CALL THE ROLL.

GOODMAN: YES.

ALVAREZ: YES.

GRIFFITH: NO.

SLUSHER: YES.

THOMAS: NO.

WYNN: YES.

MAYOR GARCIA: NO. THE AMENDMENT PASSES
ON A VOTE OF FOUR TO THREE AND NOW WE'RE
BACK TO THE MAIN MOTION. ALL THOSE IN
FAVOR, SIGNIFY BY SAYING AYE. OPPOSED NO?
MOTION CARRIES. SO HOW LONG IS IT GOING
TO TAKE TO DO THE NEGOTIATIONS SO THAT
YOU CAN GET BACK OVER HERE WITH AN ITEM
TO APPROVE THE EXECUTION?

HOW ABOUT GIVING US ONE WEEK? CAN YOU BE BACK?

[INAUDIBLE]. AND IF WE GET TO THE NEGOTIATION PHASE, WE CAN ALSO GET -- [INAUDIBLE].

MAYOR GARCIA: WELL, LET ME MAKE A REQUEST THAT YOU GO THROUGH THE PROCESS AS QUICKLY AS POSSIBLE AND NOTIFY MS. FUTTRELL TO THE ITEM CAN GET BACK ON THE AGENDA.

GOODMAN: MAYOR? MAYBE AN ADDED INCENTIVE WOULD BE THAT WE WOULD LIKE THIS TO HAPPEN IN THE SAME TIME FRAME AS YOU HAD ORIGINALLY INTENDED THAT CONTRACT TO BE FINALIZED AND EXECUTED. SO IF YOUR EFFORTS TO WORK OUT LANGUAGE CAN FIT THAT TIME FRAME AND GET BACK TO US WITHIN THAT TIME FRAME, NO ONE HERE IS LOOKING TO DELAY IT. AS I UNDERSTOOD EVERYONE'S COMMENT.

SLUSHER: YEAH, MAYOR PRO TEM, THAT WAS CERTAINLY MY INTENT IS THE ITEM ON THE AGENDA WAS TO NEGOTIATE AND EXECUTE. AND WE PASSED TO NEGOTIATE. WE DIDN'T SAY NEGOTIATE MORE SLOWLY, WE JUST SAID TO NEGOTIATE AND THEN THE EXECUTION WILL COME BACK WHEN THE NEGOTIATION IS DONE AND IT WILL COME BACK FOR A VOTE AT COUNCIL.

MAYOR GARCIA: OKAY. EVERYBODY UNDERSTAND WHAT WE'RE GOING TO DO? TWO WEEKS?

WE NEED IT PUT IT ON FOR NEXT WEEK, IF WE

COULD GO AHEAD AND TRY IT PUT IT ON FOR NEXT WEEK AND IF WE CAN'T GET IT, WE'LL NOTIFY THE PROPER AUTHORITIES AND DEAL WITH IT ACCORDINGLY.

THAT'S A DEAL.

MAYOR GARCIA: OKAY. WE'RE UP TO ITEM NUMBER 20. AND IT WAS A -- THE 6:00 O'CLOCK PUBLIC HEARINGS WILL BE TAKEN UP AFTER THAT. MR. GURNSEY?

MAYOR AND CITY COUNCIL, MY NAME IS GREG GURN GI OF THE PLANNING AND ZONING DEPARTMENT. YOUR NEXT ITEM IS A REZONING CASE IN THE HYDE PARK NEIGHBORHOOD CONSERVATION COMBINING DISTRICT. I'D LIKE TO BRIEFLY GO OVER THE TWO MOTIONS THAT ARE ON A YELLOW PIECE OF PAPER THAT SHOULD BE ON THE DIAS. AND COVER THOSE AND EXPLAIN BOTH MOTIONS A LITTLE BIT IN SOME DETAIL. THE FIRST MOTION DEALS WITH A WRITTEN STATEMENT OF PROTEST FOR THE INCLUSION IN THE NCCD, AND THIS PERTAINS TO THE HYDE PARK BAPTIST CHURCH PROPERTY. THE SECOND MOTION, SHOULD THE FIRST MOTION PASS, DEALS WITH A VALID PETITION. BOTH VOTES WOULD REQUIRE A SUPER MAJORITY OR SIX OUT OF SEVEN MEMBERS OF THE CITY COUNCIL TO VOTE IN FAVOR FOR THEM TO MOVE ON. AND NOW LET ME GO THROUGH THE PARTICULARS OF EACH OF THOSE MOTIONS. UNDER MOTION 1 AND MOTION 2, THERE'S A REFERENCE TO A. AND THAT WOULD BE TO INCLUDE ALL THE PROPERTY WITHIN THE CHURCH'S POSSESSION INTO THE NCCD. AND THE RESULTS OF THAT WOULD BASICALLY BE THAT EVERYTHING THAT YOU SEE TO MY RIGHT ON THIS MAP, WITH THE EXCLUSION OF THE SMALL TRACT IN BLUE THAT WAS BY THE CHURCH OF CHRIST THAT WAS EXCLUDED LAST

DECEMBER IN AN ACTION WOULD BE INCLUDED IN THE NCCD. THE SECOND ITEM LISTED IS ITEM B ON BOTH OF THE MOTIONS, WHICH SPEAKS TO INCLUDING TRACTS A, B, C, D, E AND F OF THE HYDE PARK BAPTIST CHURCH PROPERTY. AND THOSE WOULD BE INCLUSIVE OF THOSE PROPERTIES THAT ARE SHOWN IN ORANGE ON THE EXHIBIT TO MY RIGHT. AND THERE'S A MORE DETAILED VERSION THAT'S ALSO ATTACHED TO THE HANDOUT YOU HAVE UP THERE ON THE DIAS. THE AREAS THAT ARE IN GRAY THAT ARE NOT SHADED WOULD BE EXCLUDED. THIS HAS BEEN REFERRED TO AS THE ONE THAT HAD COME CLOSE TO A RESOLUTION BETWEEN THE NEIGHBORHOOD AND THE CHURCH, BUT WOULD FAVOR THE CHURCH'S VERSION, HOWEVER, I WOULD LIKE TO STATE AGAIN THAT THE CHURCH DOES NOT WISH TO BE INCLUDED IN THE NCCD AND IF THEY ARE, THEY WOULD STILL HAVE A VALID PETITION THAT WOULD HAVE TO BE VOTED ON TO BE INCLUDED FOR A REZONING CHANGE. THE FINAL VERSION IS REFERRED TO AS OPTION 3. AND I BELIEVE THIS VERSION ORIGINATED WITH THE NEIGHBORHOOD PLANNING TEAM THAT CAME UP THIS WEEK. AND THE AREA THAT YOU SEE IN PINK TO MY RIGHT, WHICH COMPRISES THE HYDE PARK BAPTIST CHURCH SANCTUARY AND THE EXISTING PARKING GARAGE WOULD BE EXCLUDED, BUT EVERYTHING ELSE, SAVE AND EXCEPT THE CHURCH OF CHRIST PROPERTY, WHICH WAS EXCLUDED LAST DECEMBER, WOULD BE INCLUDED IN THE NCCD. SO WHAT YOU HAVE BEFORE YOU AGAIN IS TWO MOTIONS THIS EVENING. THE FIRST MOTION WILL REALLY PREDICT PART OF THE MOTION THAT YOU MIGHT DO ON THE SECOND MOTION. THE FIRST MOTION DEALS WITH THE INCLUSION ISSUE, DO YOU WANT TO INCLUDE ALL OF IT? THAT IS ALL THE CHURCH PROPERTY. DO YOU WANT TO INCLUDE ALL THE CHURCH PROPERTY SAFE AND EXCEPT THOSE TRACTS THAT ARE LISTED AS A, B, C, DE

AND F? OR DO ALL THE CHURCH PROPERTY, SAVE AND EXCEPT, AGAIN, THE TWO PINK PARCELS TO MY RIGHT, THE SANCTUARY AND EXISTING GARAGE. AND THAT'S YOUR FIRST MOTION THAT STAFF WOULD SUGGEST THAT YOU CONSIDER. IF THOSE MOTIONS ARE SUCCESSFUL, THEN WE CAN GO ON TO THE SECOND MOTION, WHICH MAY BE THE PETITION ISSUE.

SLUSHER: MAYOR? I WOULD MOVE TO APPROVE 1-A TO INCLUDE ALL OF THE PROPERTY.

MAYOR GARCIA: DO WE HAVE SPEAKERS FIRST OR DO YOU WANT TO GO ON WITH THE MOTION?

SLUSHER: WELL, IF WE HAVE SPEAKERS, I GUESS WE WOULD -- WE'VE HAD A TREMENDOUS AMOUNT OF DISCUSSION ON THIS. MAYBE WE COULD HAVE LIKE THREE MINUTES FROM EACH SIDE?

MAYOR GARCIA: RIGHT. IF WE COULD HAVE FIVE MINUTE FROM EACH SIDE, I THINK THAT WOULD BE SUFFICIENT. AND I GUESS I CAN CALL THE NAMES, MARIE CARMEL, SUSAN MOFFETT, ELIZABETH CAMERON, KAREN MCGRAW, GARY PENN, JIM WALKER, GLEN COLEMAN, MARY GAY MAX WELL. ELLEN MARBURGER, WILL BOSEMAN, KATHY ECHOLS AND TERRY MEYERS. ALL OF YOU HAVE FIVE MINUTE TOGETHER. AND THEN RICHARD SUTTLE HAS FIVE MINUTES TO THE OTHER SIDE.

WYNN: MAYOR?

MAYOR GARCIA: COUNCILMEMBER WYNN?

WYNN: WE ALSO NEED TO WAIVE OUR 10:00

O'CLOCK RULES RULES.

MAYOR GARCIA: I MAKE A MOTION TO DO SO.

WYNN: SO MOVE.

MAYOR GARCIA: MOTION BY COUNCILMEMBER WYNN TO WAIVE THE 10:00 O'CLOCK TIME DEADLINE. IS THERE A SECOND? SECONDED BY COUNCILMEMBER GRIFFITH. ALL THOSE IN FAVOR, SIGNIFY BY SAYING AYE? WAIVED. WELCOME.

MAYOR, MAYOR PRO TEM AND COUNCILMEMBERS, I'M KAREN MCGRAW, CHAIRMAN OF THE HYDE PARK PLANNING TEAM. I DID NOT COME TONIGHT PLANNING TO SPEAK TO YOU OTHER THAN TO ANSWER YOUR QUESTIONS. WE ARE READY FOR THIS TO BE COMPLETED AND THAT'S OUR MAIN GOAL TONIGHT. AND THE ONLY CHANGE WE HAVE HAD SINCE DECEMBER 13TH WAS THAT WE DID HAVE ONE MORE PLANNING TEAM MEETING AND MADE THE RECOMMENDATION THAT'S BEFORE YOU HERE THAT IS SOMEWHAT SIMILAR TO THE CHURCH OF CHRIST RESOLUTION THAT WE HAD. SO OTHER THAN THAT, I REALLY DON'T HAVE ANYTHING ELSE TO SAY TO YOU UNLESS I COULD ANSWER YOUR QUESTIONS AND NOT TAKE MY MORE TIME?

MAYOR GARCIA: MAYOR PRO TEM?

GOODMAN: IN A NUTSHELL, CAN YOU REMIND US WHY YOU'VE MADE THAT AGREEMENT FOR THE CHURCH OF CHRIST?

THE CHURCH OF CHRIST APPARENTLY, BECAUSE I

WOULD SAY THEY PROBABLY HAD A LITTLE BIT OF WRONG INFORMATION AND THEY SENT IN A PROTEST, AND WHEN WE MET WITH THEM, I THINK IT CLEARED UP SOME OF THE MISINFORMATION ABOUT WHAT WE WERE DOING. AND BECAUSE THEIR ADDRESS HAD BEEN INCORRECT, THEY HAD NOT GETTING THE NOTICES, SO WE WENT THROUGH SOME MEETINGS WITH THEM. AND THEY WERE SIMPLY EXTREMELY NERVOUS ABOUT THE ZONING, ALTHOUGH ALL OF THEIR PROPERTY IS ZONED SF-3. SO IT'S NOT ANYTHING AS DRAMATIC AS THE ZONING BASE DISTRICTS WE'RE LOOKING AT WITH THE HYDE PARK BAPTIST CHURCH, BUT WE WERE TRYING TO FIND A WAY TO THE CHURCH WOULD COME IN TO THE PLAN AND THEY WANTED TO COME IN TO THE PLAN, BUT THEY WERE VERY NERVOUS ABOUT IT. SO WE REACHED AN AGREEMENT WHERE THEIR MAIN RELIGIOUS ASSEMBLY BUILDING AND THE PARKING ASSOCIATED WITH THAT WOULD BE EXEMPTED WHILE AN ADDITIONAL PARKING LOT THEY HAVE THAT'S ON A SINGLE-FAMILY STREET AND THEIR PAR SHON ACKNOWLEDGE, WHICH IS A SINGLE-FAMILY, WOULD BE INCLUDED. BECAUSE WE WERE NERVOUS ABOUT THOSE BECAUSE WE FELT LIKE THERE WAS A POTENTIAL FOR HOUSES TO BE BUILT THERE AND WE WANTED THE NEW RULES TO APPLY. AND WHEN WE WERE ABLE TO STRIKE THAT AGREEMENT, IT SEEMED TO MAKE THE CHURCH VERY HAPPY, IT MADE THE NEIGHBORS VERY HAPPY. AND BECAUSE THEIR MAIN CHURCH BUILDING IS NOT A BUILDING THAT'S LIKELY TO GO AWAY, IT SEEMED LIKE THE SF-3 STANDING THERE WAS NOT GOING TO BE A SERIOUS PROBLEM. SO IT SEEMED LIKE WE WERE ABLE TO RESOLVE THINGS IN A VERY AMICABLE WAY, AND I THINK, YOU KNOW, I GUESS THAT'S THE ANSWER TO YOUR QUESTION. IT WAS AN AMICABLE SITUATION ALL THE WAY AROUND WITHOUT THE FEELING THAT THERE WAS ANY DOWN SIDE FOR

EITHER PARTY.

GOODMAN: SO YOU WERE JUST TRYING TO PROTECT THE RELIGIOUS ASSEMBLY USE?

WE WERE REALLY TRYING TO FIND A WAY THAT THAT CHURCH WAS COMFORTABLE PARTICIPATING IN THE DISTRICT. AND WE FELT LIKE THAT PROPERTY WAS PRETTY FULLY DEVELOPED IN THE SF-3 AND THAT IT WOULD NOT CHANGE AND THAT IT WAS A SUBSTANTIAL ENOUGH BUILDING IT WOULD NOT GO AWAY. IT WOULD NOT BE TORN DOWN FOR HOUSES, NOT LIKELY TO HAPPEN.

GOODMAN: THANK YOU.

MAYOR GARCIA: FURTHER QUESTIONS? THANK YOU VERY MUCH. MR. SUTTLE? FIVE MINUTE. GIVE MR. SUTTLE FIVE MINUTES. THERE YOU ARE.

THANK YOU, MAYOR. MEMBERS OF THE COUNCIL, MY NAME IS RICHARD SUTTLE. I'M HERE ON BEHALF OF THE HYDE PARK BAPTIST CHURCH TONIGHT. AND AT THIS POINT I THINK EVERYBODY HAS A GOOD IDEA OF WHAT ALL'S BEEN GOING ON IN THIS CASE. THE CHURCH ASKS WHATEVER YOU DO TONIGHT, THAT YOU DON'T PUT ANY PARTY IN THE POSITION OF BEING ABLE TO CLAIM WINNER TAKE ALL BECAUSE THIS IS NOT GOING TO BE THE END. NO MATTER WHAT YOU DO TONIGHT, IT NOT GOING TO BE THE END. NEVER BEFORE HAS A COUNCIL COMPLETELY, IN MY OPINION COMPLETELY IGNORED, WELL, A CHURCH IN THIS INSTANCE LIKE IT HAS HYDE PARK BAPTIST CHURCH. I GO BACK AND START WITH THE HEARING ON THE GARAGE APPEAL. THE CITY HAS

NOT EVER -- OTHER THAN TO HOST CONVERSATIONS HAS NOT ENGAGED IN THIS PROBLEM. AND IN THE END, WHATEVER YOU DO IT BECOMES YOUR PROBLEM BECAUSE ALTHOUGH THE NEIGHBORHOOD HAS WORKED HARD ON THEIR PLAN, WHEN THERE IS.. IS -- WHATEVER YOU DO, IT ALWAYS ENDS UP THE CHURCH AND CITY HAVING TO STRAIGHTEN IT UP. I WOULD HOPE THAT YOU TREAT THIS CHURCH WITH AT LEAST THE SAME TREATMENT THAT YOU TREAT MANY DEVELOPERS IN THIS CITY WHEN YOU'RE TRYING TO KEEP PEOPLE IN TOWN, IN OUR CITY AND KEEP THEM FROM MOVING OUT INTO THE SUBURBS. THIS IS A CHURCH THAT HELPS TAKE UP THE SLACK IN SOME OF THE SOCIAL SERVICES THAT CITIES ARE NOT ABLE AND OTHER ENTITIES ARE NOT ABLE TO DO. AND I URGE YOU NOT TO COMPLETELY IGNORE THE CHURCH'S DESIRES IN THIS. AND AN INTERESTING POINT WHEN YOU'RE TALKING ABOUT THE CHURCH OF CHRIST, AND DARYL HAD MENTIONED PRECEDENCE -- .

MAYOR GARCIA: HOLD IT A SECOND. I DON'T KNOW WHAT YOU DID, BUT -- THERE YOU GO. NOW THE CLOCK IS RUNNING.

IT'S AN OLD TRICK. IT STARTED OVER. I'LL JUST TALK FOR 15 OR 20 MINUTES. BUT THE CHURCH OF CHRIST IS AN INTERESTING ONE THAT YOU HAVE DRAWN IN COMPARISON. ONE OF THE OPENINGS THAT SHOWED UP IN YOUR PACKET THIS WEEK, WHICH IS RATHER INTERESTING IN ITSELF, BUT IS ONE THAT ACTUALLY SPLITS THE MAIN HYDE PARK BAPTIST CHURCH BLOCK, THE ONE WHERE THE SANCTUARY, THE SUNDAY SCHOOL SPACE AND ALL THE FACILITIES, IT ACTUALLY CUTS THE BLOCK IN HALF. NOW, I DEFY ANYONE TO EXPLAIN HOW THAT MAKES ANY SENSE. I GUESS WE'LL GET THE OPPORTUNITY SOME DAY, BUT UNDER WHATEVER

IT IS, OPTION C, IF IT WERE TO PASS IT BRINGS THE GARAGE, DISPUTED GARAGE TRACT IN AND REZONES IT. IT BRINGS IN HALF OF THE CHURCH PLANT. REZONE THIS AND LEAVE THE EXISTING GARAGE AND PART OF THE SANCTUARY. I DON'T SEE HOW THAT MAKES ANY SENSE. SOMEBODY DOES. I DON'T. I WISH SOMEBODY COULD EXPLAIN IT TO ME. BUT IN THE END, WE'VE HAD A LOT OF TALK AND A LOT OF CHANGE, AND I WOULD JUST ASK THAT WE GET OUT OF THIS CYCLE OF WHAT HAPPENS TO BE THIS COUNCIL IGNORING THE CHURCH, IGNORING THE CHURCH'S WISHES. AND I WOULD HOPE THAT THE CITY WOULD ENGAGE IN SOME POINT AND HELP US SOLVE THIS BECAUSE THERE'S A TREMENDOUS AMOUNT OF RESOURCES, HUNDREDS OF THOUSANDS OF DOLLARS BEING SENT BY THE CITY ON THIS ISSUE WHEN IT COULD BE SPENT ON OTHER STUFF. AND IT A HARD ISSUE. I THINK IT IS ONE THAT CAN BE SOLVED. I'LL BE HAPPY TO ANSWER ANY QUESTIONS Y'ALL MIGHT HAVE OF THE CHURCH.

MAYOR GARCIA: QUESTIONS FOR MR. SUTTLE?

THANK YOU.

THOMAS: I DON'T HAVE ONE FOR MR. SUTTLE, BUT I NEED STAFF TO ANSWER A QUESTION WHEN HE'S TALKING ABOUT SPLITTING THE GARAGE OR THE CHURCH.

AS I SAID BEFORE, THE ACTION ITEM C FROM THE NEIGHBORHOOD PLANNING TEAM, IT'S BEEN REQUESTED BY ONE OF THE COUNCIL OFFICES TO DRAFT THAT VERSION SO THAT IT WOULD BE ON THE DIAS THIS EVENING. MY UNDERSTANDING IS IT WOULD BE SIMILAR TO THE WAY THE CHURCH OF CHRIST WAS TREATED AS FAR AS THEIR SANCTUARY FACILITY AND

SOME OF THEIR PARKING. THE NEIGHBORHOOD PLANNING TEAM WOULD LIKE TO ELABORATE BEYOND THAT.

WOULD YOU LIKE ME TO TRY TO ADDRESS THIS?

MAYOR GARCIA: I DON'T KNOW IF --
COUNCILMEMBER THOMAS DID NOT ASK THE QUESTION OF YOU.

THOMAS: NO, I NEED JUST STAFF, THANK YOU. I HATED FOR YOU TO WALK ALL THE WAY UP THERE FOR THAT. SORRY.

MAYOR GARCIA: OKAY. FURTHER QUESTIONS OF STAFF?

GOODMAN: MAYOR, WE DIDN'T REALLY GET AN ANSWER, I THINK, TO THAT. WHAT WAS THE DIVIDING LINE ON -- FOR ME, LET ME PHRASE IT THIS WAY. WHAT WAS THE DIVIDING LINE IN CHURCH OF CHRIST FOR WHAT I TAKE IS TRYING TO PROTECT THE RELIGIOUS ASSEMBLY AND THEN HOW IS THAT TRANSLATED INTO TAKING HALF OF HYDE PARK BAPTIST CHURCH? HOW DO YOU DECIDE WHICH WAS, I ASSUME, RELIGIOUS ASSEMBLY AND WHICH WAS SOMETHING ELSE? UNLESS THERE WAS SOME OTHER RATIONALE FOR SPLITTING THE BLOCK.

[INAUDIBLE].

MAYOR GARCIA: ARE YOU ASKING OF MISS MCDRAW GRAU, THAT'S FINE. COUNCILMEMBER THOMAS ASKED IT OF THE STAFF.

I GUESS WHEN WE WERE WORKING WITH THE CHURCH OF CHRIST, IT WAS NOT SUE DIFFICULT

BECAUSE -- SO DIFFICULT BECAUSE THEIR BUILDING AND THEIR PARKING WAS ALL KIND OF TOGETHER ON ONE SIDE OF THE BLOCK WITH THE BAPTIST CHURCH, THEY HAVE AN ENTIRE CITY BLOCK THAT HAS SOMETHING LIKE EIGHT BUILDINGS ON IT AND THERE USED TO BE AN ALLEY. SO I THINK THERE WERE SOME DIVISIONS IN THOSE BUILDINGS. THEY'RE ALL CONNECTED NOW. AND WE UNDERSTOOD THAT. BUT THERE WAS ANOTHER SITUATION THAT'S A LITTLE BIT DIFFERENT, AND THAT IS THAT THAT BLOCK IS ZONED CS. AND WHAT THAT MEANS IS THAT IT HAS A 95% IMPERVIOUS COVER, AND IT HAS A 10-FOOT SET BACK. AND SO THINKING THAT THE EASTERN HALF OF THAT BLOCK IS DIRECTLY ACROSS THE STREET FROM SINGLE-FAMILY HOMES THAT TO ALLOW THAT CS AND ALL THE CURRENT CS RULES TO CONTINUE WAS VERY DETRIMENTAL TO THE NEIGHBORHOOD WITH THAT 95% IMPERVIOUS COVER. I THINK COMPATIBILITY WOULD STILL CONTROL THE HEIGHT OF THAT, BUT IT WOULD ALLOW IT TO GO UP TO, SAY, 40 FEET. AND BY ALLOWING THE NEW RULES TO COVER THE EASTERN HALF OF THAT BLOCK, WERE IT TO BE REDEVELOPED, THE CS ZONING WOULD BE OPERABLE ON THE SIDE THAT WE RECOMMEND TO LEAVE OUT, BUT ON THE EASTERN HALF THERE WOULD HAVE TO BE MORE GREEN SPACE, SOME SET BACK FROM THE FRONT ACROSS THE STREET FROM SINGLE-FAMILY HOMES, AND IT WOULD HAVE TO RESPECT A 30-FOOT HEIGHT LIMIT. SO WE FELT LIKE FOR THAT HALF OF THE BLOCK IT WOULD BE FAR BETTER TO HAVE THAT RESPECT THE SINGLE-FAMILY ENVIRONMENT.

GOODMAN: THAT'S IN CASE OF REDEVELOPMENT?

YES, THAT'S ONLY IN THE CASE OF

REDEVELOPMENT.

MAYOR GARCIA: FURTHER QUESTIONS?
COUNCILMEMBER SLUSHER?

SLUSHER: THIS HAS BEEN GOING ON A LONG TIME, AND I THINK IT'S IMPORTANT THAT WE -- THAT THE DEVELOPMENT REGULATIONS IN PLACE ARE THERE IMMEDIATELY. SO MY MOTION IS INTENDED TO BE ADOPTED ON EMERGENCY PASSING.

MAYOR GARCIA: OKAY. I'LL RECOGNIZE YOU FOR THE MOTION. IF YOU COULD RESTATE IT, COUNCILMEMBER SLUSHER?

SLUSHER: MAYOR, I'LL WAIT THAT -- ACCORDING TO THE ATTORNEYS HELPING ME OUT ON WHAT I'M TRYING TO DO HERE, AND THAT WOULD BE ON THE NEXT MOTION THAT WE'RE ABOUT TO MAKE I WOULD WANT TO ADOPT ON EMERGENCY PASSAGE.

MAYOR GARCIA: SO THE FIRST ONE YOU WANT TO MAKE IS ON THE PASSING OF THE NCCD.

SLUSHER: I WOULD PROPOSE 1-A. IT'S SECOND.

MAYOR GARCIA: IT'S SECONDED BY COUNCILMEMBER GRIFFITH. QUESTIONS? COUNCILMEMBER THOMAS?

THOMAS: WHAT IS THE PURPOSE OF THE EMERGENCY?

SLUSHER: THAT'S ON THE NEXT ONE, BUT I'LL TELL YOU NOW IF YOU WANT IT. I JUST FEEL

THAT THIS HAS BEEN GOING ON AND ON AND ON. AND WE PROPOSED POSTPONED THIS FOR I THINK ABOUT SIX WEEKS THE LAST TIME WE HAD IT, AND I WOULD LIKE FOR IT TO END RIGHT NOW THE DEVELOPMENT REGULATIONS GO IN PLACE AND SO THAT THE COUNCIL INTENT WILL BE CLEARLY CARRIED OUT IMMEDIATELY. BUT THAT WOULD BE ON THE NEXT MOTION.

MAYOR GARCIA: QUESTIONS, COMMENTS?

GOODMAN: COULD I ASK COUNCILMEMBER SLUSHER WHY YOU DIDN'T CHOOSE C?

SLUSHER: WELL, IT'S CONSISTENT WITH THE POSITION I HAD BEFORE. I JUST -- I DON'T THINK THAT IT REALLY MATTERS THAT MUCH BECAUSE THERE'S ALREADY THE SANCTUARY THERE AND THE PARKING GARAGE ON C, SO I DON'T SEE THAT THAT WOULD -- THAT THERE'S MUCH DANGER OF THERE BEING A LOT MORE THERE, BUT I WOULD -- I WOULD JUST -- I THINK IT'S SAFER TO GO WITH 1:A. AND IT DIDN'T SOUND LIKE THE CHURCH REPRESENTATIVE WAS IN FAVOR OF C ANYWAY, SO THAT'S NOT SOMETHING THAT'S SEEN AS -- WHERE PEOPLE CAME TOGETHER ON A COMPROMISE.

MAYOR GARCIA: DISCUSSION? LET'S CALL THE ROLL. THIS REQUIRES A SUPER MAJORITY OF SIX.

ALVAREZ: YES.

GRIFFITH: YES.

SLUSHER: YES.

THOMAS: NO.

WYNN: YES.

MAYOR GARCIA: YES.

GOODMAN: YES.

MAYOR GARCIA: THAT PASSES ON A VOTE OF SIX TO ONE. NOW WE'LL GO TO MOTION NO. 2, WHICH IS THE HYDE PARK BAPTIST CHURCH, THREE OPTIONS PROVIDED, A, B AND C, AND MR. GURNSEY?

YES, YOUR SECOND MOTION, NOW THAT YOU PASSED FOR ALL OF CHURCH PROPERTY TO BE INCLUDED IN THE NCCD, THE CHURCH HAS ALSO FILED A VALID PETITION AGAINST REZONING OF THEIR PROPERTY. SO THE MOTION THAT WOULD I GUESS COME CLOSEST TO YOUR MOTION THAT WAS MOVED AND ACCEPTED ON THE FIRST MOTION WOULD BE TO INCLUDE ALL THE PROPERTY, AND THAT WOULD BE UNDER 2-A. BASICALLY THIS IS THE NEIGHBORHOOD PLANNING TEAM PROPOSAL DESCRIBED IN A MEMO OF LAST NOVEMBER AND INCORPORATES THE CHANGES APPROVED BY COUNCIL ON OCTOBER 25 THE AND DECEMBER 13TH. IT WOULD REQUIRE A MAJORITY VOTE, SUPER MAJORITY VOTE OF COUNCIL, SIX OUT OF SEVEN VOTES, AGAIN, TO PASS. AND THEN IF THERE WAS ALSO AN INCLUSION FOR IF THE EMERGENCY PASSAGE, THAT WOULD HAVE TO BE MADE PART OF THIS MOTION.

MAYOR GARCIA: I'LL ENTERTAIN A MOTION?

SLUSHER: MAYOR, I WOULD MOVE 1-A'

EMERGENCY PASSAGE BECAUSE I FEEL THERE'S A PUBLIC NEED TO GET THE REGULATIONS IN PLACE TO END THE AMBIGUITY OF THE DEVELOPMENT REGULATIONS.

MAYOR GARCIA: MOTION BY COUNCILMEMBER SLUSHER TO ADOPT THE 2-A. IS THERE A SECOND? SECONDED BY COUNCILMEMBER GRIFFITH. DISCUSSION?

GOODMAN: YES, MAYOR PRO TEM.

MAYOR GARCIA: MAYOR PRO TEM?

GOODMAN: I NEED TO ASK A QUESTION. I THINK THAT I SPOKE TO VIRTUALLY EVERYONE ABOUT THE AMENDMENT PROCESS AND INITIATING THAT RELATIVE TO SOME OF THE TALK THAT WERE GOING ON BEFORE CHRISTMAS. SO IF I WERE TO STILL A OFFER THAT OPTION OR THAT SUGGESTION, WHERE WOULD A MOTION SUCH AS THAT BELONG, WITHIN THIS MOTION OR THE PREVIOUS MOTION OR SOMEWHERE ELSE?

MAYOR GARCIA: I WOULD ASK THE CITY ATTORNEY?

YOU CAN OFFER THAT AS A FRIENDLY AMENDMENT TO COUNCILMEMBER SLUSHER'S MOTION OR YOU CAN ADD THAT AS AN ADDITIONAL MOTION. YOU WOULDN'T BE ADDING IT TO THE FORMAL ONE. IT WOULD BE APPROPRIATE TO DO IT HERE BECAUSE NOW YOU ARE VOTING ON THE ZONING ITSELF.

GOODMAN: WOULD YOU CONSIDER THAT FRIENDLY?

SLUSHER: PROBABLY. TELL ME A LITTLE BIT MORE ABOUT WHY WE'RE DOING IT.

GOODMAN: WELL, BECAUSE THERE WERE A LOT OF DISCUSSIONS THAT HAVE GONE ON FOR MONTHS AND MONTHS. COUNCILMEMBER THOMAS' OFFICE AND I AND MY OFFICE WERE THERE AND IT SEEMED TO BE ON OCCASION SOME ABILITY OR SOME MOTIVATION TO COME TO A NEGOTIATED AGREEMENT ON CERTAIN PIECES OF PROPERTY, ESPECIALLY IN THE GROWTH CORRIDOR, QUOTE, UNQUOTE. THAT WAS SUPPOSED TO LEAD TO AFTER THE FIRST OF JANUARY CONTINUED DISCUSSIONS THAT WOULD HAVE ALLOWED US TO MAYBE HAVE SOMETHING IN AGREEMENT FOR TONIGHT. SINCE NOVEMBER MET WITH EACH OTHER OBVIOUSLY THAT COULDN'T HAPPEN ANYWAY. BUT AS AN OPPORTUNITY, SINCE THERE ARE DIFFERING LAND USE -- HOW TO SAY THIS? I SHOULD HAVE CHECKED WITH LEGAL BEFORE I STARTED TRYING TO SAY THIS. IN ORDER TO GIVE A MECHANISM FOR A NEGOTIATED RESOLUTION ON SOME PIECES OF PROPERTY WHERE THERE WILL BE DISAGREEMENT AS TO THE CONTROL BE LAND USE REGULATIONS, A MORE FRIENDLY WAY TO TRY TO COME TO THAT AGREEMENT AND CONTINUE WHAT I THOUGHT SEEMED A POSITIVE AND MOTIVATED WAY OF COMING TO AGREEMENT COULD HAPPEN WITH THE AMENDMENT PROCESS. IF THE CITY STAFF, IF WE INITIATED THE AMENDMENT PROCESS. AND, OF COURSE, IT DIDN'T WORK AND THEN IT MAY NOT HAVE TO COME BEFORE US.

SLUSHER: COULD WE GIVE THEM AT LEAST A MONTH OFF FROM TALKING ABOUT IT?

GOODMAN: THEY'VE ALREADY HAD A MONTH.

SLUSHER: ANOTHER ONE.

GOODMAN: ANOTHER MONTH. I'M NOT PUTTING ANY TIME FRAME ON THIS, BUT I WANT TO MAKE SURE THAT SINCE EACH SIDE I BELIEVE CAN BE PERCEIVED TO HAVE THE ADVANTAGE IN ONE CONTEXT, THAT HOPEFULLY THAT'S MOTIVATION FOR NEITHER TO RESORT TO ANOTHER MECHANISM OF REACHING RESOLUTION AMENDMENTS AND THEY COULD USE THE AMENDMENT PROCESS FOR DISCUSSION.

SLUSHER: BUT THE CITY WOULD INITIATE THE BEGINNING OF THIS PROCESS? I WOULD ACCEPT IT AS THE CITY DOESN'T INITIATE IT FOR AT LEAST A MONTH.

GOODMAN: AND IF MAYBE WE PICKED SOME OF OUR MEDIATION PERSONNEL TO BE THE FACILITATOR.

SLUSHER: I WOULD ACCEPT THAT.

MAYOR GARCIA: OKAY. MR. GURNSEY?

YES, MAYOR, JUST ONE CLARIFICATION ON THE MOTION AND THAT WOULD BE LOOKING AT THE CHURCH'S PROPERTY THAT'S ON -- THAT WOULD BE AFFECTED BY THE MOTION THAT WAS FIRST AND SECONDED TO COME BACK FOR THIS AMENDMENT. SO THAT WOULD BE A NEW CASE COVERING ALL THE CHURCH PROPERTY OR JUST CERTAIN PARCELS?

GOODMAN: THE AMENDMENT PROCESS DOESN'T REALLY REQUIRE YOU TO HAVE SPECIFIC TRACTS, I DON'T THINK, SIMPLY THE AMENDMENT PROCESS. AND THAT WOULD BE UP

TO THE TWO PARTIES TO DECIDE, WOULDN'T IT?

IF THERE'S -- I GUESS A PARTICULAR DESIRE ON
A CERTAIN PROPERTY -- .

GOODMAN: THEN THAT'S WHAT THEY WOULD
TELL US ULTIMATELY THAT THEY WERE OFFERED
FOR AMENDMENT. ALTHOUGH I WILL SAY I HAVE
A DECISION THAT CERTAIN TRACTS ARE THE
ONES THAT WILL BE DISCUSSED.

MAYOR GARCIA: ANYBODY HAVE ANY
QUESTIONS? ARE WE READY TO VOTE? DO YOU
UNDERSTAND THE MOTION AND THE
AMENDMENT?

YES.

MAYOR GARCIA: THIS IS A MOTION THAT
REQUIRES SIX VOTES TO PASS, SUPERMAJORITY.
PLEASE CALL THE ROLL.

GRIFFITH: YES.

SLUSHER: YES.

THOMAS: [INAUDIBLE].

WYNN: YES.

MAYOR GARCIA: YES.

GOODMAN: YES.

ALVAREZ: YES. MAYOR THEY'RE THAT PASSES ON

A VOTE OF -- MAYOR HAIR THAT PASSES ON A VOTE OF SIX TO ONE. AND THAT CONCLUDES ITEM NUMBER 20. NOW WE GET TO THE -- NOW WE GET TO THE 6:00 O'CLOCK PUBLIC HEARINGS. I'M NOT DOING A VERY GOOD JOB.

THE FIRST ITEM IS ITEM NUMBER 63, TO CONDUCT A PUBLIC HEARING TO CONSIDER THE POSSIBLE ACTION ON TWO APPEALS OF THE ZONING AND PLATTING COMMISSION'S DECISION TO DENY AN APPEAL OF ADMINISTRATIVE APPROVAL FOR INDEPENDENCE PARK CONDOMINIUMS. THE PROPOSED SITE IS LOCATED AT 61 HUNDRED MANCHACA ROAD, FILE NUMBER SP-00-2489CR. THE FIRST APPEAL IS BEING MADE BY JOAN HILBIG, CHRIS BUTLER AND CHERRY CREEK SOUTHWEST NEIGHBORHOOD ASSOCIATION INTERESTED PARTIES. THE SECOND AND SEPARATE APPEAL IS BEING MADE BY HUGH MOORE, INTERESTED PARTY. CITY STAFF IS TRANN LACKEY. ARE YOU LACKEY?

YES, SIR. I'M MR. LACKEY. I'M WITH THE -- MY NAME IS TRANN LACKEY, I'M WITH THE WATERSHED DEVELOPMENT, PROTECTION AND REVIEW. IN CONSIDERING THE LATENESS OF THE HOUR, I WILL MAKE A VERY SHORT PRESENTATION. THIS SITE IS A -- IS APPROXIMATELY 48 ACRES. IT IS A REPLACEMENT SITE PLAN THAT WOULD REPLACE A SITE PLAN THAT WAS APPROVED BY THE CITY COUNCIL IN 1983. AND IN THE PACKET AND I BELIEVE ON YELLOW SHEETS THAT YOU SHOULD HAVE BEFORE YOU, WE HAVE THE LDC PROVISIONS GOVERNING THE REPLACEMENT SITE PLAN PROCESS. THERE ARE A NUMBER OF PROVISIONS, 10 IN ALL, THAT ARE LOOKED AT BY STAFF. AND THE APPEAL -- THE LDC GIVES AUTHORITY TO APPEAL TO THE NEIGHBORHOOD BY THE LAST OF THOSE CRITERIA, NUMBER 10,

THE REPLACEMENT SITE PLAN DOES NOT CHANGE APPROVAL OF THE ZONING SITE PLAN. AS THE MAYOR SAID, THERE ARE TWO SEPARATE APPEALS ON THIS. ONE CONCERNED CONDITION OF APPROVAL AND THE OTHER CONCERNEDS THE TIA. AND OTHER THAN THAT, IF YOU HAVE ANY QUESTIONS FOR ME, I'D BE HAPPY TO ANSWER THEM.

MAYOR GARCIA: QUESTIONS FOR MR. LACKEY? IF NOT, WE'LL GO TO THE SPEAKERS. WE HAVE 63 SPEAKERS -- NO, I'LL TAKE THAT BACK. 29 SPEAKERS. 30 SPEAKERS, I THINK. BETTIE EDGEMAN? IS SHE HERE? SHE IS REGISTERED AGAINST. IT DOESN'T SAY AGAINST WHAT. CHRIS BUTLER? MR. CHRIS BUTLER IS HERE? YOU HAVE -- ALL RIGHT ALL RIGHT. VERY GOOD. WE HAVE TO CHANGE THE -- PUT THE LIGHTS BACK ON. LIGHTS BACK ON. OKAY. THE PROCESS IS TO HEAR FROM THE PEOPLE THAT ARE MAKING THE APPEALS, JOAN HILBI GISMT, CHRIS BUTLER AND THE REPRESENTATIVES FROM CHERRY CREEK SOUTHWEST NEIGHBORHOOD ASSOCIATION. SO MS. HILBIG, YOU WILL GO FIRST. IS MR. BUTLER HERE? THAT'S YOU. OKAY. AND YOU HAVE THREE MINUTES.

EXCUSE ME, COULD WE ASK THAT MR. BUTLER GO FIRST? HE'S HAD A PRESENTATION THAT WOULD KIND OF FEED INTO THE REST OF US? AND ALSO SINCE -- WERE WE NOT ALLOWED TO HAVE PEOPLE ASSIGN TIME TO US SINCE EACH OF US HAD ABOUT FOUR PEOPLE ASSIGN TIME?

MAYOR GARCIA: DO YOU WANT TO SHORTEN YOUR PRESENTATION TO FOUR SPEAKERS?

NO. WE UNDERSTOOD THAT FOUR PEOPLE COULD ASSIGN THEIR THREE MINUTES TO LIKE ME AND FOUR -- AND WE HAD A NUMBER OF PEOPLE WHO

WISHED TO DO THAT.

MAYOR GARCIA: YEAH, MR. BUTLER HAS TWO PEOPLE, SO HE HAS NINE MINUTES. OKAY. YOU'RE ON.

THANK YOU VERY MUCH FOR GIVING US THIS OPPORTUNITY TO SPEAK TO YOU. AND I KNOW EVERYBODY IS PRETTY TIRED AT THIS POINT. THIS IS THE SITE WHICH IS GOING TO BE DEVELOPED. TO EXPLAIN TO YOU WHY WE THINK WE HAVE A VALID APPEAL AGAINST IT WE HAVE TO KIND OF GIVE YOU SOME HISTORY ON THE PROJECT. FIRST A QUICK OVERVIEW. THIS IS OUR NEIGHBORHOOD. IT'S A NICE SOUTH AUSTIN NEIGHBORHOOD, NOT REAL FANCY, SO STICK BUILT HOMES, NICE BRICK HOMES ON SLABS. IT'S PRETTY MUCH TYPICAL SOUTH AUSTIN. WE LIKE IT AND WE WOULD LIKE TO KEEP IT THAT WAY. THIS IS THE CURRENT AREA MAP. THIS IS THE SITE AND AS YOU CAN SEE, IT'S COMPLETELY SURROUNDED BY PURELY RESIDENTIAL, MOSTLY SF-2, SINGLE-FAMILY, SOME DUPLEXES. AND RIGHT ACROSS FROM THE SITE IS THE GARRISON PARK, WHICH IS A VERY NICE SMALL PARK THAT HAS A COUPLE OF SWIMMING POOLS, A BASKETBALL COURT. IT'S USED A LOT BY THE NEIGHBORHOOD AND IT'S ANOTHER IMPORTANT PART OF OUR NEIGHBORHOOD. IN 1980 THIS -- THIS COMPLETELY WOODED AREA FIRST BECAME SUBJECT TO DEVELOPMENT. THE OWNERS CAME UP WITH A VERY COMMERCIAL LIESED SCHEME FOR IT. AND YOUR OWN PLANNING DEPARTMENT TURNED THAT ONE DOWN. THEY RECOMMENDED AT THAT TIME THAT IT BE GRANTED AA USE FOR MOST OF THE SITE, WHICH HAS SINCE BECOME SF-2. SO YOUR OWN PLANNING DEPARTMENT INITIALLY SAID THIS SHOULD BE SINGLE-FAMILY RESIDENTIAL. FOR SEVERAL YEARS OUR NEIGHBORHOOD ASSOCIATION WENT TOW TO

TOE WITH DEVELOPERS WHO WENT COMING UP WITH THINGS THAT THEY WANTED TO PUT IN THERE. AND FINALLY GETTING WORN DOWN BY THE WHOLE PROCESS, THIS ONE GAME ALONG. THIS IS THE 1983 SITE PLAN. IT IS A RETIREMENT COMMUNITY, 550 UNITS, WHICH IS A BUNCH, BUT THEY'RE ALL FAIRLY SMALL, SINGLE OR DUPLEX TYPE UNITS. THEY WOULD BE OWNED BY RETIRE EASE IN THE TRUE SENSE OF A DON DOUGH. AND -- CONDO. AND IT WAS DESIGNED TO FIT INTO OUR NEIGHBORHOOD. AS YOU IT SEE IN THE YELLOW ALONG HERE, WE HAVE HOUSE WITH A 25-FOOT SET BACK, WHICH IS ESSENTIALLY A BACKYARD, AND THEN SMALL HOUSES SET UP LONGITUDE ALLY. SO NEIGHBORS ALONG HERE WOULD MOSTLY SEE SMALL HOUSES OVER THE FENCE. IT WOULD CONTINUE TO LOOK RESIDENTIAL. TOWARDS THE CENTER AND TOWARDS MANCHACA YOU WOULD HAVE LARGER UNIT FOR PEOPLE WHO DIDN'T NEED DETACHED UNITS, THAT IMMEDIATED NOR ASSISTED LIVING. IT'S IMPORTANT TO NOTE THAT THERE'S A NORTH-SOUTH STREET HERE THAT COULD BE CONNECTED CALLED BUFFALO PASS. THIS IS NEARLY THREE BLOCKS LONG AND MOST DEVELOPMENTS WOULDN'T GO THAT FAR WITHOUT HAVING SOME NORTH-SOUTH ACCESS TO IT, BUT SINCE THESE WERE RETIREES. THEY WOULD INEVITABLY LIKE QUIET MORE THAN THEY WOULD LIKE TRAFFIC. AND THAT'S AN IMPORTANT PART OF THIS CONCEPT. THERE'S TWO ENTRANCES HERE. ONE THERE AND ONE HERE. AND THAT WAS GOING TO BE PERFECTLY ADEQUATE FOR 550 UNITS OF RETIREES WHO SIMPLY DON'T DRIVE THAT MUCH. WE THOUGHT THEY WOULD MAKE GOOD NEIGHBORS, AND EVEN THEY WE WEREN'T CRAZY ABOUT THE NUMBER OF UNITS, WE FIGURED IT MIGHT BE AS GOOD AS WE COULD GET, SO WE ACCEPTED THIS SITE PLAN AND THE AREA WAS REZONED SF-6 TO SUPPORT IT. THIS IS THE ARCHITECT OF

THAT. HE SENT US THIS LETTER RECENTLY JUST TO REINFORCE IT. AND THE LAST PARAGRAPH IS PARTICULARLY IMPORTANT. THE INTENT OF THE DESIGN CITED IN THE WAYS SHOWN WAS TO ESTABLISH COMPATIBILITY BETWEEN INDEPENDENT PARK DEVELOPMENT AND THE NEIGHBORHOOD SINGLE-FAMILY HOMES SITUATED AROUND THE PERIMETER OF THE SITE. THAT'S WHAT WE THOUGHT WE WERE GETTING. AND THEN THE ECONOMY TURNED SOUTH AND NOT MUCH HAPPENED FOR A NUMBER OF YEARS AND THEN THIS PROJECT CAME ALONG. SO INSTEAD OF HAVING RETIREE OWNERS WITH A VESTED INTEREST THERE IN THE NEIGHBORHOOD LIVING IN ONE-STORY BUILDINGS, THIS IS WHAT WE KIND OF EXPECT TO BE LOOKING AT WHEN THIS PROJECT GOES IN, THREE-STORY UNITS OVER OUR FENCES. THIS IS FROM OTHER COMPLEX UP NORTH, BUT YOU GET THE IDEA. AND THEN THERE'S THIS PROBLEM OF SCALE. IT'S JUST NOT A VERY ATTRACTIVE SITUATION AND IT'S NOT GOING TO DO A THING FOR OUR PROPERTY VALUES OR THE LIVEABILITY OF OUR NEIGHBORHOOD. THIS IS THE NEW SITE PLAN WHICH HAS BEEN APPROVED AT THIS POINT. THERE'S A VERY NICE GREENBELT OUT HERE HEADING TOWARD THE FLOODPLAIN DOWN HERE. WE APPRECIATE THAT VERY MUCH. IT'S A VERY NICE FEATURE. THEY HAVE TRIED TO CLUSTER THE UNIT PRETTY MUCH IN THE CENTER SO FOLKS DOWN HERE, WHICH BY THE WAY INCLUDES ME, IT'S NOT AS BAD AS IT COULD BE. BUT FOR PEOPLE IN THIS AREA, YOU WILL NOTICE THAT THEY'RE LOOKING AT THREE-STORY UNITS ALL OVER THE PLACE. AND WHERE THERE USED TO BE HOMES ALONG THE PERIMETER THERE'S NOW PARKING. ALL THIS GRAY STUFF IS PARKING. SO THESE FOLKS WILL BE SEEING CARS WITH THEIR HEADLIGHTS ON IN THE MORNING LEAVING AND COMING IN AT NIGHT. ALL THE ATTENDANT CAR NOISE. AS MUCH OF A PROBLEM WITH THAT IS THAT THERE

ARE 496 UNITS HERE, WHICH ARE FEWER THAN THE 550 INITIALLY, BUT THESE ARE GOING TO BE MUCH YOUNGER, MUCH MORE ACTIVE CROWD. THE ESTIMATES ARE THAT THEY'LL BE LACK MAKING AN AVERAGE OF FIVE TRIPS PER DAY PER UNIT, 2500 TRIPS TOTAL. AND WE THINK THAT'S GOING TO HAVE A MASSIVE IMPACT ON OUR NEIGHBORHOOD FROM A TRAFFIC STANDPOINT, FROM A NOISE STANDPOINT. WE THINK THIS SITE PLAN IS COMPLETELY DIFFERENT FROM THE ONE THAT WE ORIGINALLY SIGNED UP FOR. WE THINK IT'S INCOMPATIBLE. JUST AS A QUICK POINT OF REFERENCE, WE'VE HAD PEOPLE GET BANK ESTIMATES ON HOW MUCH THIS IS GOING TO AFFECT THEIR PROPERTY VALUES, AND IN THE SEVERELY IMPACTED HOME AREA, IT'S GOING TO RUN ALMOST \$20,000. WE'VE HAD PEOPLE MOVE OUT ALREADY AND SELL THEIR HOME. WE EXPECT OTHERS TO BE RENTING AT SOME POINT IF THIS PROPERTY GOES IN. AND THE NET EFFECT FINANCIALLY TO OUR NEIGHBORHOOD IS GOING TO BE ON THE ORDER OF TWO MILLION DOLLARS. THAT'S JUST A GUESSTIMATE. BUT WE THINK IT'S REALISTIC. YOU'LL NOTICE -- I'M GOING TO GO BA BACK TO THIS AREA MAP AND SHOW YOU A FEW TRAFFIC FEATURES HERE. COME ON. THIS IS MANCHACA, WHICH IS FOUR-LANE ROAD AND IT GETS A LOT OF TRAFFIC. THIS IS SUPPOSED TO BE THE MAIN ENTRANCE ON THE SITE. YOU WILL NOTICE JUST UP THE STREET A COUPLE OF FEET IS THE INTEREST TO GARRISON PARK. THERE IS GOING TO BE NO PROVISION FOR A TRAFFIC LIGHT HERE, JUST A TURNING ISLAND, SO PEOPLE GOING THIS WAY IN THE MORNING ARE GOING TO HAVE TO GET ACROSS TWO LANES OF NORTHBOUND TRAFFIC. IT'S GOING TO BE A MESS. THEY'RE NOT GOING TO LIKE IT. THERE'S ALSO A BACK ENTRANCE HERE, WHICH IS A SMALL STREET THAT LET'S OUT AND THEN IT HITS WESTGATE HERE. AND THIS IS ALREADY A VERY DANGEROUS

INTERSECTION. I'LL SHOW YOU WHY. THIS IS TRAFFIC COMING SOUTH ON WESTGATE WANTING TO COME INTO BURGLAR WOOD AT RUSH HOUR, 5:00 O'CLOCK AT NIGHT. YOU HAVE A SUBURBAN HERE, HE'S HAVING TO STOP IN 40 TO 50 MILES PER HOUR TRAFFIC. HE'S HOLDING UP EVERYTHING HEND HIM AND HE'S HOPING THEY'RE ALL PAYING ATTENTION. THERE'S TRAFFIC COMING THIS WAY HE HAS TO GET ACROSS. HIS ONLY OPTION IS TO GO ON TO BURGLAR WOOD. IS GOING TO BE MUCH WORSE WHEN WE HAVE 2500 TRIPS IS DAY GOING IN AND OUT OF THAT COMPLEX. JUST ONE ACCIDENT AT THIS INTERSECTION THAT I SHOT BACK IN FEBRUARY. THEY SINCE PUT IN A STEEL RAIL HERE TO HELP OUT. HERE'S A TWO-CAR ACCIDENT IN THE MORNING DURING RUSH HOUR TRAFFIC. WE HAVE CARS HITTING INTO -- RUNNING INTO OUR LOTS WITH CERTAIN REGULAR LAYERTY. -- REGULARITY. AND IT SHOULD BE POINTED OUT THAT THE CITY HAS NO INTENT AT THIS POINT DO ANYTHING ABOUT THE INTERSECTION AT WESTGATE. AS A MATTER OF FACT THE TRAFFIC IMPACT ANALYSIS HAS BEEN SAID THERE'S GOING TO BE VERY LITTLE IMPACT. WE THINK THERE WILL BE A LOT OF IMPACT UNDER THE WORST KIND IMAGEABLE. THIS WILL ALSO BE A FACTOR IN DRAINAGE IN THIS AREA. THIS IS ONE BLOCK FROM WESTGATE. THIS IS THE WEEK AFTER THE GULLY WASHER IN NOVEMBER WHEN WE HAD ANOTHER RAINSTORM. IN NOVEMBER THIS THING WAS COMPLETELY UNDERWATER. WE HAD CONSIDERABLE FLOODING ALONG THERE. THE BLUE AREAS HERE SHOW YOU HOUSES THAT WERE FLOODED. AND MOST OF THE DRAINAGE FROM THE SITE RUNS DOWN INTO THIS BLUE CREEK HERE. SOMETHING'S GOING TO GET DEVELOPED THERE, IT'S GOING TO PRODUCE MORE IMPERVIOUS COVER, THAT'S INEVITABLE, BUT WE HAVE TO WORRY ABOUT THE DRAINAGE ANYWAY BECAUSE WE LIVE THERE. SO THE

QUESTION IS DO WE HAVE ANY BASIS FOR REALLY OBJECTING TO THIS? THE CITY CONSIDERS THE REPLACEMENT SITE PLAN, THEY HAVE 10 BROAD CRITERIA TO LOOK AT, TRAFFIC IMPACT, IMPERVIOUS COVER, WHAT CONSISTENT WITH THE PRIOR SITE PLAN. AND NUMBER 10, UNFORTUNATELY. WE AS CITIZENS ARE NOT ALLOWED TO ARGUE THESE NINE WANT, WE'RE ONLY ALLOWED TO ARGUE NUMBER 10, THAT THE REPLACEMENT SITE PLAN DOES NOT CHANGE A CONDITION OF APPROVAL OF THE ZONING SITE PLAN. OKAY. HERE IS OUR CASE. [BUZZER]. 30 SECONDS?

MAYOR GARCIA: SURE.

THANK YOU. THIS IS FROM THE CITY COUNCIL APPROVAL BACK IN 1983. AND THIS IS PART 2 OF IT. THAT THE DEVELOPMENT OF THE PROPERTY HERE IN DESCRIBED AS TRACT 2 SHALL BE ACCOMPLISHED IN ACCORDANCE WITH THE SITE PLAN APPROVED BY THE CITY COUNCIL AND ATTACHED HERE TO AS EXHIBIT A. KEEP IN MIND THAT IN ACCORDANCE, THIS IS EXHIBIT A AND YOU HAVE TO DECIDE FOR YOURSELVES WHETHER YOU THINK THE NEW SITE PLAN IS IN ACCORDANCE WITH THAT ONE. [BUZZER]. THANK YOU VERY MUCH FOR YOUR TIME.

MAYOR GARCIA: MS. HILBIG?

THANK YOU, MAYOR, MEMBERS OF THE COUNCIL. MY NAME IS JOAN HILBIG. I'M AN OFFICER OF THE CHERRY CREEK SOUTHWEST NEIGHBORHOOD ASSOCIATION. I APPEAL THE ADMINISTRATIVE DECISION AMOVING THE PROPOSED SITE PLAN FOR INDEPENDENCE PARK BECAUSE IT CHANGES THE FUNDAMENTAL CONDITION OF APPROVAL OF THE 1983 ZONING ORDINANCE. THE 1983 ZONING ORDINANCE,

NUMBER YEAH AN 0324 H SETS THE CONDITIONS OF APPROVAL BY ORDERING A CHANGE IN USE, HEIGHT AND AREA. THE ORDINANCE CLEARLY DEFINES THE INTENDED USE ON PAGE 4, PART 2. THE DEVELOPMENT OF THE PROPERTY HERE IN DESCRIBED AS TRACT 2 SHALL BE ACCOMPLISHED IN ACCORDANCE WITH THE SITE PLAN APPROVED BY THE CITY COUNCIL AND ATTACHED HERE TO AS KPIBL A. EXHIBIT A IS THE SITE PLAN FOR OWNER OCCUPIED HOUSING FOR RETIREMENT AGE CITIZENS. EXHIBIT A SITE PLAN IS THE USE APPROVED BY THE 1983 ORDINANCE. EXHIBIT A SITE PLAN INCORPORATED BY ORDINANCE AND APPROVED BY THE CITY COUNCIL REMAINS AN INSEPARABLE PART OF THE USE DESIGNATED FOR THIS PROPERTY. THE RETIREMENT VILLAGE SITE PLAN IS LEGALLY RECORDED AS PART OF THE ZONING AND IS STILL THE LAW TODAY. IT CAN BE NO CLEARER. FURTHER MORE THE LAW STATES A SITE PLAN INCORPORATED INTO AN ORDINANCE ZONING THE PROPERTY DOES NOT EXPIRE. WHEN THEY BOUGHT THE LAND, THEY ALSO BOUGHT THE ZONING PLAN. IF THE DEVELOPERS HAD TO DESIGN A RETIREMENT COMPLEX, WE WOULD NOT BE HERE IN APPEALS. BUT THE PROPOSED USE FOR THE REPLACEMENT SITE PLAN FUNDAMENTALLY CHANGES A CONDITION OF APPROVAL AND IRRELEVANT REVOKEBLY CHANGES AN ESTABLISHED NEIGHBORHOOD. COMPARE THE EFFECTS OF THE THE TWO SITE PLANS. THE 1983 ZONING SITE PLAN, YOU HAVE A MAJORITY OF DETACHED ONE AND TWO-STORY OWNER OCCUPIED RETIREMENT HOMES BACKING UP TO SINGLE-FAMILY HOMES VERSUS THE PROPOSED USE OF TWO AND THREE-STORY BUILDINGS OCCUPIED BY YOUNGER, NOISIER, MORE MOBILE CROWD, ADDING SIGNIFICANTLY TO NEIGHBORHOOD TRAFFIC AND SAFETY PROBLEMS. WITH STRIP PARKING LOTS, CAR ALARMS, BUSY 24-HOUR LAUNDRY CENTERS AND LATED OUTDOOR RECREATIONAL CENTERS. THE

REPLACEMENT SITE PLAN IS IN EFFECT A COMMERCIAL OPERATION NOT COMPATIBLE WITH RESIDENTIAL SETTINGS FOR SINGLE-FAMILY HOMES. AND SIGNIFICANTLY CHANGES THE CONDITION OF APPROVAL AS DEFINED IN THE 1983 ORDINANCE, EXHIBIT A USE DESIGNATION. CONSIDER IF YOU WILL THE SEPTEMBER 11TH EXCERPTS BY MEMBERS OF THE ZONING AND PLATTING COMMISSION. COMMISSIONER MATHER, I DO THINK IT'S A DIFFERENCE BETWEEN NIGHT AND DAY, A RETIREMENT HOME OWNED AND CONDOS, AN ENTIRELY DIFFERENT SITUATION. COMMISSIONER AL VA RES, IF THIS WERE A ZONING CHANGE CASE, I THINK I WOULD BE VOTING TO SEND THE DEVELOPERS BACK TO THE NEIGHBORS TO TALK ABOUT SOME OF THESE ISSUES, BRING UP ISSUES ABOUT THE TRAFFIC IMPACT, ABOUT COMPATIBILITY WITH NEIGHBORS. IF THIS WAS A ZONING REVIEW -- . [BUZZER]. WHERE WE WERE LOOKING AT RAW LAND GOING TO SF-6 WE WOULD BE TAKING A LOOK AT THIS DEVELOPMENT? DID I GET 12 MINUTES. I UNDERSTAND I WOULD GET -- THAT WE WERE DESIGNATED..... DESIGNATED -- . [EVERYONE TALKING AT ONCE].

MAYOR GARCIA: WELL ARE, I HAD THIS WHOLE THING ANALYZED AND I DIDN'T -- LET ME LOOK AT IT AGAIN.

OKAY. THANK YOU MENT I'LL TRY TO BE BRIEF. TONIGHT, COUNCILMEMBERS, WERE ASKING YOU TO TAKE A HARD LOOK AT THIS REPLACEMENT SITE PLAN AND UNDERSTAND WHAT THIS IMPACT WILL DO TO OUR NEIGHBORHOOD.

MAYOR GARCIA: HOLD IT JUST A SECOND. MY STAFF, WE HAVE ONE, TWO, THREE, FOUR, FIVE, SIX, SEVEN.

COULD I HAVE ABOUT 15 MINUTE, PLEASE. I
COULD DO THAT.

MAYOR GARCIA: THAT'S THE TIME THAT RACHEL
DAVIDSON, ANNE ELLIS, THOSE ARE THE PEOPLE
THAT ARE RAISING THEIR HANDS BACK THERE.
WANDA MILLS, JOSEPH DRIVER. ANNE CHRIS
AND COLLEEN GAMBLE. DID I CALL EVERYBODY
WHO RAISED THEIR HANDS BACK THERE? OKAY.

ACTUALLY, IF I COULD HAVE JUST FOUR OF
THOSE AND I THINK WE CAN SHARE THE REST OF
THEM.

MAYOR GARCIA: PUT 12 MINUTES ON THERE,
PLEASE.

ALL RIGHT. AM I CLEAR TO GO?

MAYOR GARCIA: YOU GOT IT.

THANK YOU. TRAFFIC IS RELEVANT. STEVEN
PRATHER, A CITY TRANSPORTATION PLANNER,
CONFIRMS IN A LETTER TO SCOTTFELDMAN OF
ALLIANCE TEXAS ENGINEERING COMPANY DATED
DECEMBER 11TH 2000 THAT THE NUMBER OF
CARS MAKING LEFT TURNS AT THE SITE DURING
PEAK HOURS IS LIKELY TO CAUSE SIGNIFICANT
DEGRADATION OF CAPACITY OF MANCHACA
ROAD. ALLIANCE TEXAS ENGINEERING IS THE
CREATOR OF THE TIA, THE TRAFFIC IMPACT
ANALYSIS. THE FIRST TIA DETERMINED THAT
THIS SOUTH AUSTIN AREA HAS A NEGATIVE
ANNUAL GROWTH RATE. WE STRENUOUSLY
OBJECTED AND EVENTUALLY ANOTHER TIA WAS
PRODUCED. IN A STAFF MEMO FROM PRATHER TO
DUNCAN MERE DATED DECEMBER 21ST, 2001,
THE FIGURES WERE CHANGED TO SHOW AN
ASSUMED COMPOUND GROWTH RATE OF 3.7%.

PRATHER ACKNOWLEDGES IN THAT MEMO THAT THE PROJECT WILL GENERATE APPROXIMATELY 2,539 AVERAGE DAILY TRIPS, BUT ESTIMATES ONLY 149 CARS WILL LEAVE THE PROJECT AT PEAK HOURS DURING THE MORNING AND ESTIMATES ONLY 154 CARS WILL RETURN DURING THE EVENING PEAK HOURS. WHEN WILL THE OTHER 2,236 TRIPS OCCUR? TAKE ANOTHER EXAMPLE OF THE ACTUAL ERRORS WE'RE BEING ASKED TO ACCEPT. IN THE SAME MEMO HE STATES A DEAD END STREET WITH TWO HOMES AS HAS AN ASSUMED 28 TRIPS PER DAY. IF TWO HOMES WILL CREATE 28 TRIPS PER DAY, WHY DOES HE ASSUME THAT RESIDENTS IN 492 RESIDENTS WILL CREATE ONLY 2,539 TRIPS A DAY. IF YOU APPLY HIS FORMULA FOR AM HERE DRIVE, THE 492 UNITS WILL CREATE 6,888 TRIPS PER DAY AND WILL SEND THE TRAFFIC IMPACT FIGURES OFF THE CHARTS. EVEN THOUGH A TIA WAS NOT REQUIRED FOR THIS PROJECT, TRAFFIC MITIGATION IS REQUIRED. FURTHERMORE, THERE ARE NO ROAD WILL IMPROVEMENTS SCHEDULED FOR THESE CRITICAL NORTH-SOUTH ARTERIES, MANCHACA ROAD AND WESTGATE BOULEVARD, THROUGH THE YEAR 2025 AND SOUTH AUSTIN CONTINUES TO BUILD OUT. THE STANDARD LEVEL OF SERVICE REQUIRED AT INTERSECTIONS -- ARE Y'ALL FAMILIAR WITH THAT, I HOPE? THE LOS MEANS HOW LONG YOU HAVE TO WAIT AT AN INTERSECTION. THE MINIMUM STANDARD RATING IS D. E AND F MEAN FAILURE AND ARE UNACCEPTABLE. THE FIRST TIA WITH ITS ASSUMED NEGATIVE GROWTH RATE STATES THE INTERSECTION AT STASSNEY AND MANCHACA ROAD IS ALREADY RATED AT A LEVEL OF SERVICE D JUST SLIGHTLY ABOVE FAILURE. BOTH AT MORNING AND PEAK EVENING HOURS. AFTER ADDING IN 2,539 AVERAGE DAILY TRIPS FROM THIS PROJECT, WHAT WILL THE NEXT LEVEL BE? ATARD KARD TO THE SECOND TIA OFFERED BY ALLIANCE ENGINEERING, THE INTERSECTION AT STASSNEY

AND MANCHACA WILL IMPROVE TO A LEVEL OF SERVICE C. IN THE MORNING AND D FOR THE EVENING PEAK HOURS. THE INTERSECTION OF STASSNEY AND WESTGATE, WHICH IS CURRENTLY FAILING AT A LEVEL OF SERVICE E DURING MORNINGS PEAK HOURS WILL IMPROVE TO A LEVEL OF C. HOW CAN FAILING AND NEAR FAILING LEVEL OF SERVICE AT INTERSECTIONS WITH ZERO GROWTH RATE IMPROVE AFTER ADDING IN A 3.7% GROWTH RATE? ARE ANY OF THESE FIGURES IN THESE TIA'S ACCURATE? HOW CAN THESE SLIPPERY STATISTICS BE USED TO SHOW THAT TRAFFIC IMPACT WILL BE ADEQUATELY MITIGATED FOR THIS DEVELOPMENT? TRAFFIC IS RELEVANT AND TRAFFIC MITIGATION IS REQUIRED. THE FLAWED INFORMATION CREATES THE FLAWED DECISIONS. THE DISCREPANCIES IN THE TIA'S AND THE CITY TRANSPORTATION STAFF'S OWN FIGURES HIGHLIGHT THE UNDERLYING PROBLEMS IN ALLOWING THIS ADMINISTRATIVE APPROVAL TO STAND. IF THE INFORMATION THE CITY STAFF USES IS FLAWED, THEN ADMINISTRATIVE DECISION IS ALSO FLAWED. THE TIA'S ERROR OF FACT CAME TO LIGHT USING ONLY COMMON SENSE AND ABILITY TO READ. IF THIS DEVELOPMENT DEAL IS TYPICAL OF FACTUAL ERRORS IN OTHER DEVELOPMENT DEALS IN ALL AREAS OF THE CITY, IT IS NO WONDER THAT WE HAVE SUCH HORRENDOUS TRAFFIC PROBLEMS IN AUSTIN. THE TRAFFIC IMPACT OF EACH DEVELOPMENT IS BEING UNDERESTIMATED BY ABOUT A THOUSAND PERCENT. MORE TO THE POINT, HOW CAN YOU ACCEPT AN ADMINISTRATIVE DECISION FOR THIS PROJECT WHEN IT'S BASED ON REPORTS, PAID FOR BY THE DEVELOPER AND FILLED WITH FACTUAL ERRORS? WE ARE HERE TONIGHT TO ASK FOR A REASONABLE AND REALISTIC COMPROMISE. WE ASK THAT YOU UP HOLD THE 1983 ZONING, SITE PLAN OR SIGNIFICANTLY REDUCE THE NUMBER OF UNITS TO LESSEN THE

DEVELOPMENT IMPACT ON THE NEIGHBORHOOD AND INCREASE THE SAFETY -- MARGIN FOR OUR CHILDREN. WE ALSO ASK THAT THE COMPROMISE BE PUT IN WRITING TO GO WITH THE LAND. IT'S THE RIGHT THING TO DO. THE FAILURE RATES OF ADMINISTRATIVE APPEALS ARE BASED ON THE CITY'S NARROWLY DEFINED ORDINANCES AND RESTRICTIVE APPEAL PROCESS WHICH DENIES PROPERTY OWNERS MEANINGFUL DUE PROCESS. AS CHRIS MENTIONED, THE LAND DEVELOPMENT CODE SECTION ONE THROUGH 10 WHICH PRESENT SEVERAL STRONG ARGUMENTS, HOWEVER, WE ARE LIMITED TO ONLY ONE. AND WE MAINTAIN THAT WE WILL SHOW TONIGHT THAT A CHANGE FROM THE DESIGNATED USE OF AN OWNER-OCCUPIED RETIREMENT VILLAGE EQUALS A CHANGE IN A CONDITION OF APPROVAL AND INVALIDATES THE ADMINISTRATIVELY APPROVED REPLACEMENT SITE PLAN. YOU HAVE IN YOUR PACKET -- THIS WAS PREPARED BY YOUR CITY STAFF. DETAILS THAT I WOULD LIKE TO BRING UP. ON PAGE 4, PARAGRAPH 2, A STATEMENT BY THE CITY'S OWN STAFF, WHICH I QUOTE, ON MARCH THE 24TH, 1983, THE CITY COUNCIL APPROVED THE ZONING WHICH REQUIRED THE PROPERTY TO BE DEVELOPED AS SHOWN ON THE SITE PLAN. MOTION INDICATES THAT APPROVAL WAS AFTER CONDITIONS WERE MET. THE ONLY CONDITIONS STAFF CAN FIND IS THE STAFF -- IS THE SITE PLAN ITSELF, THUS CONFIRMING WHAT WE HAVE SAID BEFORE AND ARE SAYING TONIGHT, THE CONDITION OF APPROVAL IS THE SITE PLAN. BY CHANGING THE USE OF THE SITE PLAN, THE DEVELOPER'SES CHANGE A CONDITION OF APPROVAL. THIS SOUTH AUSTIN NEIGHBORHOOD HAS DONE MORE THAN ITS PART TOWARD CREATING A DIVERSE AUSTIN. WE ARE A RACIALLY MIXED NEIGHBORHOOD AND WITHIN HALF-MILE RADIUS YOU WILL FIND SINGLE-FAMILY HOMES, APARTMENTS, COMPLEXES, HOME RENTALS, TWO SECTIONS OF

SUBSIDIZED HOUSING AND A POCKET OF SLUM-LIKE SUBSTANDARD HOUSING. WE STRONGLY FEEL THAT IF THIS ESTABLISHED NEIGHBORHOOD LOSES ITS FIGHT FOR INTEGRITY TONIGHT, WE WILL FACE A SIGNIFICANT LOSS OF OWNER-OCCUPIED HOMES, RESULTING IN A DOWNTURN IN PROPERTY VALUES. AND AN INCREASE IN CRIME FOR THIS AREA CAN. CAN AUSTIN AFFORD THAT? THE DEVELOPERS SAY THEY HAVE TRIED TO WORK WITH US AND ACCOMMODATE OUR WISHES, EVEN RETURNING TO THE DRAWING BOARD SIX TIMES. BUT EACH TIME WE CAME OUT WORSE THAN BEFORE. WE ASKED FOR MORE BUILDING SET BACK, THEY RESPONDED WITH MORE BUILDING SET BACK, BUT ADDED IN STRIP PARKING ALONG THE PERIMETER, WHICH WILL DIRECT HEADLIGHTS TOWARD THE ADJACENT HOMEOWNERS' LIVING AREAS. WE LIKE THE GREEN SPACE IN THE DEVELOPER'S PLAN, SO THEY WENT BACK TO THE DRAWING BOARDS AND REDUCED THE SIZE OF THE CONSERVANTS. RESIDENTS ASKED THE DEVELOPERS TO REDUCE THE NUMBER OF UNITS AND TO KEEP THE PROMISE OF ONE ENTRANCE AND EXIT. THE DEVELOPERS REDUCED THE NUMBER OF UNITS, ONLY TO INCREASE THE NUMBER AGAIN LATER AND THEN OPENED A SECOND ENTRANCE/EXIT. WE ASK THE DEVELOPERS TO HUMANELY REMOVE THE HERD OF WHITE TAIL DEER WHICH ARE ON THE PROPERTY. THEY DENY THE RESPONSIBILITY. THE DEER, BIRDS AND OTHER WILDLIFE GIVE CITY DWELLERS A MOMENT OF NATURE, YOU KNOW THE VISION OF A GREEN AUSTIN WHERE NATURE STILL MATTERS? WHOSE RESPONSIBILITY WILL IT BE WHEN THESE LARGE ANIMALS FLEE THE BULLDOZER INTO RUSH HOUR TRAFFIC, CREATING ACCIDENTS AND SERIOUS INJURIES? WE ASK THE DEVELOPERS TO CONSIDER DESIGNING THEIR DEVELOPMENT AS AN INDEPENDENT LIVING RETIREMENT COMPLEX, KM IN THIS CITY HAS A WITTING LIST AND A

RENTAL RANGE OF 1425 TO NEARLY 4,000 DOLLARS A MONTH, INCLUDING SOME AMEN ADVERTISE. WITH THE AGING POPULATION, A RETIREMENT PROJECT WOULD SEEM A DESIRABLE AND PROFITABLE OPTION IN CONTRAST TO THE GROWING VACANCIES NOW EXPERIENCED IN AUSTIN. HOWEVER, WE RESPECTFULLY ASK THAT YOU CONSIDER THE BEST INTEREST OF THE COMMUNITY. GRANT OUR APPEAL AND UP HOLD THE 1983 ZONING WITH ITS ATTACHED OWNER-OCCUPIED RETIREMENT VILLAGE SITE PLAN. IF THAT IS NOT POSSIBLE AS AN ALTERNATIVE, WE ASK YOU TO EFFECT A COMPROMISE, REDUCING THE NUMBER OF UNITS FROM 492 TO 320 AND TO REQUIRE A CEDAR PRIVACY FENCE SURROUNDING THE PERIMETER. WE BELIEVE THAT EITHER ENFORCING THE 1983 ZONING ORDINANCE OR REDUCING THE NUMBER OF UNIT WILL PROVIDE THE KIND OF DEVELOPMENT WITH WHICH ALL RESIDENTS CAN CO-EXIST. THE COUNCIL HAS THE POWER TO ACT. AS YOU KNOW UNDER TITLE 251192, THE COUNCIL HAS THE POWER TO ACT ON AN A I PILE. HAVE YOU THE POWER TO MODIFY, REVERSE OR UP HOLD THE PREVIOUS DECISION. IN THE EVENT THE PREVIOUS DECISION IS NOT UPHELD, BUT IS MODIFIED, WE ASK THAT ANY MODIFICATIONS FAVOR RBL TO THE NEIGHBORING COMMUNITY BE MADE INTO PERMANENT CONDITIONAL OVERLAY, WHICH WILL FINALLY PUT THIS UNFINISHED BUSINESS TO REST. AFTER 20 YEARS OF BLOOD, SWEAT AND TEARS BY THE CITIZENS TO PROTECT THEIR FAMILIES, HOMES AND THEIR NEIGHBORHOOD. WE THANK YOU FOR HEARING OUR CONCERNS AND FOR YOUR CONSIDERATION OF OUR REQUESTS.

MAYOR GARCIA: MS. HILBIG, THE THIRD INTERESTED PARTY IN THIS FIRST APPEAL IS THE CHERRY CREEK SOUTHWEST NEIGHBORHOOD ASSOCIATION. IS THE PRESIDENT OF THE

NEIGHBORHOOD ASSOCIATION HERE?

I AM ACTING PRESIDENT.

MAYOR GARCIA: OKAY. SO THAT'S YOU. OKAY. THERE ARE SOME OTHER PEOPLE THAT HAVE SIGNED UP, BUT THEY'RE NOT -- THEY'RE NOT THE... THE -- THEY'RE NOT THE APPELLANT.

WE HAVE ONE MORE APPELLANT.

MAYOR GARCIA: I'M GOING TO RECOGNIZE MR. HUGH MOORE AT THIS TIME. DID ANYBODY GIVE MR. MOORE TIME? I DIDN'T FIND ANY.

THREE OR LESS WILL BE OKAY.

MAYOR GARCIA: THREE OR LESS WHAT?

WILL BE OKAY FARCE AS FAR AS THE TIME?

MAYOR GARCIA: THREE MINUTES? OKAY. YOU'RE ON.

GOOD EVENING. MY NAME IS HUGH MOORE. AND I LIVE AT 6001 WESTGATE BOULEVARD. I'M AN INTERESTED PARTY IN THIS PROJECT. ONE OF THESE CONDITIONS OF APPROVAL THAT, NUMBER ONE, GIVE US THE BASIS OF APPEAL, AND NUMBER TWO, GIVE THE COUNCIL FULL LEGAL DISCRETION TO APPROVE OUR RECOMMENDED CHANGES COMPLETELY OR NONE. NUMBER ONE, THE MATERIAL THAT'S SENT TO US AND TO YOU STATED THE BEST SOURCE OF THESE CONDITIONS IS STILL THE ORIGINAL OR THE ZONING SITE PLAN. NUMBER TWO, CONDITIONAL APPROVAL MEET ANY APPLICABLE

REQUIREMENTS OF LAND DEVELOPMENT CODE 25564. AND THAT INCLUDES THINGS LIKE THE AMOUNT OF IMPERVIOUS COVER CANNOT BE GREATER THAN IN THE ORIGINAL SITE PLAN. AT A MEETING WITH MR. HEIGHTS DEALING WITH THIS SUBJECT, STAFF STATED THE CONDITIONAL APPROVAL MEANT ANYTHING THE CITY REQUIRED THE DEVELOPER TO DO TO GET APPROVAL OF THE PROJECT FROM ADMINISTRATIVE APPROVAL ALL THE WAY TO GETTING A CERTIFICATE OF OCCUPANCY. SO THEREFORE GOING BACK TO THIS ZONING SITE PLAN, I HAVE REQUESTS FOR CHANGES. NUMBER ONE, THE ORIGINAL SITE PLAN, 169 UNITS, ABOUT 97% OF THOSE WERE ONE-STORY OR TWO-STORY. I RECOMMEND THAT 96% OF THE UNITS IN THIS DEVELOPMENT BE ONE-STORY AND TWO -- OR TWO-STORIES TO CONFORM TO THE ORIGINAL SITE PLAN. I RECOMMEND THE GATED AND GUARDED ENTRANCE AT MANCHACA IN THE ORIGINAL SITE PLAN BE INSTALLED IN THE SITE PLAN FOR THE SAFETY OF THE NEIGHBORS AS THESE CARS SHOOT OUT OF THAT PROJECT. NUMBER THREE, I RECOMMEND THE APPLICANT BE REQUIRED TO ENTER INTO A RESTRICTIVE COVENANT SO THAT NO MORE DEVELOPMENT WILL BE MADE IN THIS AREA. I'D LIKE TO CONCLUDE BY STATING AGAIN MY BELIEF THAT THE COMMENTS MADE BY THE ATTORNEY FOR THE APPLICANT, THAT THE PLANNING COMMISSION AND THE CITY COUNCIL DOES NOT HAVE THE LEGAL DISCRETION TO MAKE ANY CHANGES, DO NOTHING BUT APPROVE IS NOT RIGHT FOR THE SIMPLE REASON THAT THIS WOULD BE PATRONIZING TO THE CITY RESIDENTS, BE PATRONIZING AND UNFAIR, ILLOGICAL AND IRRATIONAL TO SAY THAT WE CAN APPEAL AND WE GO THROUGH THIS PROCESS AND OF COMING DOWN HERE AND SO FORTH, SPEND A LOT OF HOURS, BUT YOU DON'T HAVE NO LEGAL BASIS TO GRANT ANY -- TO APPROVE ANY CHANGES THAT WE REQUESTED.

AND THE FUNDAMENTAL -- . [BUZZER]. OKAY.

MAYOR GARCIA: MR. MOORE, YOU WILL HAVE THREE MORE MINUTES AFTER THE APELL LEE, OUR NEXT PRESENTATION. NOW WE WILL GO TO PEOPLE WHO ARE NOT LISTED AS APPELLANTS, BUT WHO HAVE SIGNED UP TO SPEAK. GARY DRY? AND FOLLOWING MR. DRY, JULIO REPAZA.

THANK YOU, SIR, FOR THE PRIVILEGE TO TALK IN FRONT OF THE COUNCIL TONIGHT. MY NAME IS GARY DRY. I RESIDE AT 2619 COATBRIDGE STREET, WHICH IS ON THE NORTHEAST CORNER OF THE SITE ON THE CORNER OF COATBRIDGE AND WESTGATE. AND I WANT TO FOCUS ON A COUPLE OF THINGS IN MY DISCUSSION HERE. I DON'T HAVE A LONG DISCUSSION, BUT -- ACTUALLY, I TRIED TO FOCUS IN ON TWO MAJOR ASPECTS OF AT LEAST MY IMMEDIATE POSITION AND WHERE I RESIDE. NUMBER ONE, I'M PROBABLY IN THE BEST POSITION OF ANYONE IN OUR NEIGHBORHOOD FROM A LOCATION STANDPOINT IN THE CAT SEAT, I GUESS IF YOU WANT TO CONSIDER THAT. I'M VERY HIGH UP. I AM IN THE FLOODPLAIN ZONE, BUT -- AND I CAME VERY CLOSE TO FLOODING WHEN WE HAD THE 13-INCH RAIN BACK IN NOVEMBER, I BELIEVE. NOW, THE PHOTOGRAPHS THAT I WANTED TO SHOW, BASICALLY JUST WANTED TO FOCUS IN ON THE FLOODING ISSUES. I DID TAKE SOME TIME TO REVIEW THE ENGINEERING AND DRAINAGE REPORT THAT WAS DONE BACK IN FEBRUARY BY BURY AND PARTNERS. I'M AN ENVIRONMENTAL ENGINEER BY TRADE. I SPEND QUITE OF BIT OF TIME REVIEWING SUCH REPORTS. AND I DON'T WANT TO BE TOO CRITICAL OF THIS REPORT, BUT USING THE -- SOME OF THE LANGUAGE GEORGE W. BUSH USED, FUZZY MATH, IN MY OPINION THIS REPORT IS INADEQUATE. I THINK IT'S -- SHOULD BE.. BE -- HAVE A SECOND LOOK AT ANOTHER

REPORT SIMILAR TO THIS ONE THAT MIGHT TAKE SOME TIME, LET SOMEONE ELSE TAKE A LOOK AT IT. I DIDN'T FIND ANYTHING IN THAT REPORT THAT WOULD SUBSTANTIATE ANYTHING TO DO WITH LAND EVENTS -- RAIN EVENTS LIKE SUCH THAT WE'VE SEEN RECENTLY. I'VE BEEN LIVING IN MY HOME FOR TWO YEARS AND I CAN TELL YOU EVERY TIME IT RAINS IT FLOODS. AND ALL THE PEOPLE ALONG WESTGATE STREET FLOOD. AS YOU'RE AWARE, THE LAST BIG 13-INCH RAIN THAT WE HAD, MY HOME CAME VERY CLOSE TO FLOODING. AND AS THIS REPORT SUGGESTS, OF COURSE, THE DRAINAGE RUNS NORTHEAST. I THINK WE ALL AGREE TO THAT. IN MY OPINION THE DEVELOPMENT HAS ENHANCED AND EXACERBATED THE PROBLEM. I CAN ONLY IMAGINE THAT BY REDUCING THE AMOUNT OF IMPERVIOUS COVER WITH THE DEVELOPMENT IS -- . [BUZZER]. ONLY GOING TO ENHANCE THE DRAINAGE PROBLEMS.

MAYOR GARCIA: THANK YOU VERY MUCH.

[ONE MOMENT, PLEASE, WHILE CAPTIONERS CHANGE]

ACCORDING TO THE TRAFFIC IMPACT ANALYSIS, THE INTERSECTION OF STASSNEY AND WESTGATE IS ALREADY PREDICTED TO BE AT AN AWN ACCEPTABLE LEVEL WITHOUT THIS DEVELOPMENT. SO IF YOU IF YOU INCREASE THE TRAFFIC, WITH THE DEVELOPMENT, IT'S GOING TO BE UNIMAGEABLY UNPASSABLE. IT'S NOT LIKE YOU CAN BUILD AN OVERPASS ON WESTGATE. THIS WILL THREATEN THE HEALTH AND SAFETY OF OUR RESIDENTS WITH THE TRAFFIC. ALSO THE MAP THAT WAS HOUSTONED TO DETERMINE WHERE THE FLOODPLAIN IS DATES TO 1991, WE ARE CURRENTLY REVISING THE CITY FLOODPLAIN MAP, PROJECT IT SHOULD BE DONE BY 2002. DUE TO THE FLOODING THAT WE HAVE SEEN IN 1998

AND THIS PAST NOVEMBER, IT IS AN EMERGENCY TO RE-EVALUATE AND REASSESS WHAT THE FLOODPLAIN ACTUALLY IS. ACCORDING TO THE FLOOD PLAN MANAGEMENT OFFICE, I CAN'T REMEMBER THE NAME OF THE GENTLEMAN THAT I SPOKE WITH, BUT THERE WERE A NUMBER OF HOMES THAT WERE NOT ON THE FLOODPLAIN MAP THAT WERE FLOODED, SO WE DON'T REALLY KNOW WHERE THE FLOODPLAIN IS AT PRESENT. I WOULD ALSO -- SO I WOULD SAY THAT WE NEED TO REEXAMINE THIS -- NOT BECAUSE THEY DIDN'T MAKE EVERY EFFORT TO EXAMINE IT, BUT BECAUSE WE HAVE NEW INFORMATION COMING OUT VERY SOON AND IT WILL NOT SERIOUSLY BEHINDER THEIR DEVELOPMENT. HINDER THEIR DEVELOPMENT OR THEIR ECONOMIC EARNINGS FROM THE PROPERTY. I ALSO WAS VERY CONCERNED THAT THERE WAS A LACK OF A FORMAL ENVIRONMENTAL IMPACT STATEMENT. MANY NEIGHBORS HAVE SEEN WHAT THE NEIGHBORS, WHO ARE NOT BIOLOGISTS SAY ARE HORNED TOEDZ. THIS IS NOT -- TOADS, NOT ACKNOWLEDGED IN THE CITY REPORT OR ENVIRONMENTAL ASSESSMENT. I FEEL IT'S AN OVERSIGHT TO NOT TAKE A LOOK ARE LOOK AND DO A FULL-BLOWN ENVIRONMENTAL ASSESSMENT ON THIS PROPERTY. THE CITY WAS -- I WAS TOLD BY TRAN LACKEY, THAT THEY WERE AWARE OF THE HORN TODAY'S OR -- HORN TOADS, THESE ARE OVERSIGHT NOT TO CONSIDER THE NEW INFORMATION THAT WE HAVE, INCREASED FLOODING IN AUSTIN, WE NEED TO EXAMINE THAT ISSUE. EXAMINE PEDESTRIAN TRAFFIC AND BICYCLE TRAFFIC WITH ALL OF THE STUDENTS THERE WOULD BE AN IRRESPONSIBLE OVERSIGHT. IT NEEDS TO BE EXAMINED. THANK YOU VERY MUCH

MAYOR GARCIA: THANK YOU VERY MUCH, MS. EDGEMON, IS NOT HERE. SHE IS REGISTERED AGAINST, BUT SHE DOESN'T SAY EXACTLY WHAT SHE'S AGAINST. JO ANN COWAN, MS. COWAN

YOU HAVE NINE MINUTES.

I DON'T THINK THAT I WILL NEED NINE. IN ROBERT LDIMAS AND JIMMY MILLS GAVE YOU THEIR TIME. YOU DON'T HAVE TO USE IT ALL

I'M NEW TO AUSTIN AND I MOVED HERE THIS SUMMER FROM ATLANTA, GEORGIA. I ACTUALLY MOVED TO HOUSTON FIRST AND BOUGHT A HOUSE THERE. I WAS INTERVIEWING FOR JOBS IN HOUSTON AND GOT A CALL FROM A GREAT COMPANY HERE IN AUSTIN. I CAME OVER FOR THE INTERVIEW, LOVED THE JOB AND THOUGHT THAT I WOULD GIVE AUSTIN A SHOT. I RENTED AN APARTMENT HERE FOR SIX MONTHS TO SEE IF I WANTED TO MOVE TO AUSTIN. I COMMUTED ON THE WEEKENDS BACK AND FORTH FROM AUSTIN TO HOUSTON. I LOOKED AT 25 OR SO HOUSES IN DIFFERENT AREAS OF AUSTIN. I SAW MY CULT LITTLE HOUSE, A YELLOWSTONE HOUSE ON BAXTER AND I SAID THIS IS THE ONE. WHEN I WALKED INTO THE LIVING ROOM, I SAW DIRECTLY IN MY BACK YARD THREW LARGE WINDOWS 16 ACRES THAT TO ME RIVALED THE BEAUTY OF THE LAND THAT I OWN IN GEORGIA. AS I WAS GOING THROUGH ALL OF THE PROCEDURES TO BUY THE HOUSE, MY BANK DID THE APPRAISAL AND IN THE APPRAISAL THEY RAISED THE VALUE OF MY HOUSE \$21,000 DUE TO MY "GREAT GREENBELT IN MY BACK YARD." I HAD NEVER HEARD THAT BEFORE. THIS IS THE THIRD HOUSE THAT I HAVE BOUGHT. I HAVE NEVER SEEN SOMETHING LIKE THIS ON AN APPRAISAL. IT SHOCKED ME. I CALLED MY BANK AND MY PRASER, SAYS WHAT ARE YOU TALKING ABOUT THIS, VERIFY THIS FOR ME. THEY SAID THEY DON'T NORMALLY DO THIS, BUT THEY FELT LIKE LOCATION WAS SUCH A PRIME, IMPORTANT PIECE OF PROPERTY WHERE MY HOUSE IS FACING 16 ACRE OF GREENBELT THAT THEY ADDED \$21,000 TO MY HOUSE. TO MY HOUSE

VALUE. SO I FEEL LIKE IF THE WOODS ARE COMPROMISED THEN I AM COMPROMISED. MY NEW INVESTMENT IN AUSTIN IS -- HAS DECLINED BECAUSE OF THAT. I READ AN ARTICLE WRITTEN BY WILL WYNN, THE NEW COUNCILMEMBER FOR AUSTIN, AND HE EXPLAINED HOW I FEEL PERFECTLY. HE SAID "THE BIGGEST MISTAKE WE COULD MAKE AS A COMMUNITY AT THIS CRITICAL JUNCTURE IN OUR HISTORY IS TO ASSUME THAT OUR QUALITY OF LIFE WILL NOT ERODE IF WE FAIL TO TAKE PROACTIVE STEPS NOW TO PROTECT IT AND ENHANCE IT. IT BEING AUSTIN, TEXAS. THE TRUTH AND THE GREAT IRONY OF OUR TIME AND PLACE IS THAT AUSTIN IS AT A RISK OF BEING OVERWHELMED BY ITS OWN SUCCESS." WILL ALSO EXPRESSED MY FEELINGS EXACTLY ABOUT MY WOODS, "STRICT ENVIRONMENTAL PROTECTIONS AND PRESERVATION OF NATURAL OPEN SPACES MUST BE SECOND NATURE TO OUR WAY OF THINKING. I DO NOT WANT TO DRIVE MY FELLOW CREATURES THAT COMMUNE WITH ME EVERY SATURDAY AND SUNDAY AWAY FROM MY BACK PORCH. THIS IS WHAT MAKES AUSTIN DIFFERENT TO ME FROM HOUSTON. AND IN MY HUMBLE OPINION, THIS MAKES AUSTIN A MUCH MORE FILL FILLING PLACE TO LIVE AND I DO NOT WANT TO MOVE BACK TO HOUSTON. I LIKE IT HERE. THANK YOU VERY MUCH FOR YOUR TIME. AND FOR DOING THE RIGHT THING.

MAYOR GARCIA: THANK YOU. MR. DAVID CROFT. FOLLOWING MR. CROFT IS SUSAN CROFT. WELCOME, SIR

THANK YOU. I NEED TO -- TO INTRODUCE MYSELF. I'M DAVID CROFT. I HAVE LIVED IN AUSTIN SINCE 1975. WE MOVED DOWN FROM THE FROZEN NORTH LAND AND WE LOVE IT HERE. WE LIVED IN THE HOUSE THAT WE OWN AT THIS POINT, 2600COTHRIDGE SINCE '89.

PART OF THE REASON THAT WE BOUGHT THAT HOUSE WAS BECAUSE IT WAS A LOVELY NEIGHBORHOOD WITH THE WONDERFUL GREENBELT OUT THERE. MUCH LIKE THE SPEAKER BEFORE ME ALLUDED TO. I DID SOME VIDEOTAPING INDICATED SOME OF THE TRAFFIC ON -- IN THIS CASE THIS IS WESTGATE BOULEVARD. RIGHT -- RIGHT NEAR THE STOP SIGN IS, EXCUSE ME, BLARWOOD DRIVE, WHICH WILL BE ONE OF THE FEEDER OUT OF THAT -- OUT OF THAT NEW DEVELOPMENT AREA. THEY WILL BE COMING DOWN EMUR ON TO BLARWOOD AND THEN ON TO WESTGATE. AS I WAS FILMING, I -- I THOUGHT THAT I WAS GOING TO GET SOME PRETTY DRAMATIC FILM THERE FOR A HIGHLY BECAUSE IT SEEMED LIKE THERE WAS SOME PRETTY CLOSE NEAR MISSES. I ALSO AT -- AT TIMES SAW CARS LINED UP ON BLARWOOD, ONE WOULD MOVE OUT OF THE WAY, ANOTHER ONE RIGHT BEHIND IT WOULD MOVE UP TO THE STOP SIGN WAITING AND WAITING AND WAITING FOR THEIR TURN TO GET ON TO WESTGATE. AS -- AS I DID THIS -- THIS FILMING, TOO, I DID SOME IN FRONT OF CHARACTER HIGH SCHOOL. ONE OF THE THINGS THAT I WANTED TO GET A HOLD OF WAS SOME OF THE IDEAS OF HOW PEOPLE DEALT WITH THE HIGH SCHOOL TRAFFIC WITH STUDENTS WALKING THROUGH. I OBSERVED OVER THERE AS WELL AS SOME OTHER PLACES THAT AS SOON AS YOU PUT A CAMERA OUT THERE, THE TRAFFIC PATTERN CHANGES DRAMATICALLY. THE OTHER THING THAT I NOTICED WAS AS SOON AS THEY GET PAST THE CAMERA, THEY GUN IT A BIT. SO SOME OF THE -- SOME OF THE FOOTAGE THAT I HAVE GOT IS PROBABLY NOT AS ACCURATE AS WHAT'S REALLY OUT THERE AS FAR AS TRAFFIC PATTERNS ARE CONCERNED. THIS IS SOME OF THE FOOTAGE OVER NEAR CROCKETT HIGH SCHOOL. I UNDERSTAND THAT THERE HAVE BEEN SOME SERIOUS INJURIES FROM STUDENTS CROSSING THE STREET. THE OTHER THING THAT I NOTICED

WAS THAT SOME STUDENTS SEEM TO PURPOSELY AVOID THE CROSS WALK. I DIDN'T MANAGE TO GET IT ON FILM, BUT I WITNESSED ONE STUDENT WALKING PAST THE CROSS WALK, ABOUT 10 FEET, AND THEN OUT THROUGH TRAFFIC. HE MADE IT. I WAS GLAD TO SEE THAT. IN CONCLUSION, I, TOO, WOULD LOVE TO SEE THE DEVELOPMENT IN THE WOODS BE A RETIREMENT VILLAGE. I THINK THAT THE IMPACT ON TRAFFIC WOULD BE MUCH LESS. AND THE IMPACT ON OUR NEIGHBORHOOD WOULD BE LESS AT THAT POINT, TOO. THANK YOU VERY MUCH.

THANK YOU, MR. CROFT. SUSAN CROFT AND FOLLOWING MS. CROFT, ANA BELL TORRES.

THANK YOU FOR YOUR TIME, I HAVE WANTED TO TALK ABOUT A J IN OUR NEIGHBORHOOD, GARRISON PARK, ALSO AN ATTRACTIVE NUISANCE BECAUSE IT ATTRACTS PEOPLE FROM ALL AGES, NOT JUST FROM OUR NEIGHBORHOOD, BUT FROM OUR COMMUNITY. IT HAS A WONDERFUL SWIMMING POOL WHERE THEY OFFER LESSONS THAT START IN THE SUMMER AT 8:00 IN THE MORNING GO UNTIL LATE IN THE EVENING. THEY HAVE A BASEBALL PROGRAM FOR CHILDREN, THEY HAVE A FOOTBALL PROGRAM. IT'S A WONDERFUL PARK. WE'VE HAD PARTIES THERE, BIRTHDAY PARTIES, THEY HAVE FAMILY PARTY ALL THE TIME. THE PROBLEM IS THAT IF YOU LOOK UP ON THE MAP, THE ENTRANCE IS NEAR THE ENTRANCE AND EXIT TO THIS SITE. IT'S VERY HARD EVEN NOW TO TURN LEFT INTO GARRISON PARK, IT IS ALSO HARD TO TURN LEFT TO COME OUT. WE ARE CONCERNED THAT CHILDREN GOING IN AND OUT, AS YOU CAN SEE THE HIGH SCHOOL STUDENTS DO NOT GO ACROSS THE CROSS WALKS, ELEMENTARY CHILDREN WOULD NOT GO TO THE CROSS WALKS AT -- BUT FURTHER DOWN

ABOUT THREE BLOCKS DOWN OR ON STASSNEY. ONE THING THAT CAME TO OUR ATTENTION IS A LETTER FROM THE AUSTIN TRAVIS COUNTY HEALTH AND HUMAN SERVICES DEPARTMENT DATED DECEMBER 28TH, 2001. DEER SIR OR MADAM, I AM WRITING TO INFORM YOU ABOUT A UNIQUE OPPORTUNITY TO DISCOVER SOME IMPORTANT ISSUES RELATING TO THE ACCESSIBILITY AND SAFETY OF CHILDREN AND ADULT PEDESTRIANS IN YOUR NEIGHBORHOOD. TWO YEARS AGO A PROGRAM THAT WE WORK CLOSELY WITH, THE AUSTIN SAFE COMMUNITIES PROJECT, RELEASED THE RESULTS OF EXTENSIVE RESEARCH THEY DID ON CHILD BICYCLISTS AND PEDESTRIAN INJURIES AND DEATH WITHIN TRAVIS COUNTY. THEY IDENTIFIED BY ZIP CODE THE AREAS WHERE THEY WERE MOST FREQUENTLY OCCURRING. THEY IDENTIFIED THE 78702, 78704, 78723, 78744, 78745, AND 78758 ZIP CODES AS THE AREAS WITH THE HIGHEST NUMBER OF CHILD BICYCLISTS AND PEDESTRIAN INJURIES AND DEATHS OVER THE PREVIOUS FOUR YEARS. OUR ZIP CODE IS 78745. THAT IS MY CONCERN. PLEASE THINK ABOUT OUR CHILDREN AND OUR PARK. THANK YOU.

MAYOR GARCIA: OKAY. MR. CROFT, MS. ANA TORRES. COMMISSIONER SINGLETON GAVE YOU THREE MINUTES. YOU HAVE SIX MINUTES

OKAY. HI NEXT DOOR NEIGHBOR, MARRY HERD

SHE DID INDICATE SHE WAS NOT SPEAKING, IS SHE HERE. ARE YOU GOING TO GIVE HER THE MINUTES

THAT GIVES YOU NINE MINUTES

OKAY.

MAYOR GARCIA: YOU DON'T HAVE TO USE THEM ALL, THOUGH

I WOULD REALLY LIKE TO HAVE 15 MINUTES. I WORKED ON THIS FOR A LONG TIME, A LOT OF THE INFORMATION THEY PROVIDED IN THE PACKET. I OBTAINED IT AND THAT ONE TIME I MET WITH MS. GRIFFITH, I HAD MADE AN APPOINTMENT, I GAVE YOU A PACKET LIKE THIS. I HAD MADE AN APPOINTMENT AND I WASN'T ABLE TO MAKE IT, AND I HAD JOAN HILLBIG AND CHRIS BUTLER GO AND AT THAT TIME I WOUND UP WITH BRONCHITIS AND DR. -- FATHER ELLERT WAS IN THE OFFICE. I -- YOU HAVE THE PACKET. STARTING ABOUT THE CHILDREN. I ALSO CONTACTED CITY MANAGER'S OFFICE AND I HAVE WORKED WITH MARSHA SHUPE CONCERNING THE CHILDREN BECAUSE AT GARRISON PARK YEAR ROUND THERE'S 3,336 CHILDREN THAT USE THAT FACILITY. MR. RICK CASTENEDA IS IN CHARGE OF THE LEAGUE THAT USES THE FACILITY YEAR ROUND. I GAVE YOU THE COPY HE SENT ME. WHEN IT'S USED. IT USED YEAR ROUND. THIS DOESN'T INCLUDE THE PARENTS. AND I HAD ASKED AT THAT TIME IF THEY WERE GOING TO ALLOW TO BUILD THIS DEVELOPMENT TO AT LEAST TRY TO PUT A LIGHT THERE, ALIGN IT WITH THE PARK, IF THEY COULD ALIGN THE ENTRANCE. THEY SENT ME A LETTER THEY HAD WORKED WITH THE PEOPLE AND IT COULD NOT BE DONE BECAUSE OF -- IT HAS TO BE A STATE REGULATED. BUT I KNOW THAT ON -- I KNOW THAT IN -- OVER ON 2222, I HAVE BEEN LIVING HERE ALL MY LIFE, I USED TO LIVE ON 8TH STREET AND 35 CAME BY AND THEY TOOK OUR HOMES. I -- I HAVE BEEN HERE ALL MY LIFE, SO I KNOW AUSTIN ALL OVER SURROUNDING TOWNS AND EVERYTHING. I KNOW THAT ON 2222, MRS. PEREZ, SHE LIVES THERE, I USED TO

GO WITH HER BECAUSE I HAVE A RETARDED CHILD. AND WE WERE -- I WAS THE PRESIDENT OF PARENTS ASSOCIATION. WHEN I WOULD GO OVER TO HER HOUSE, THERE WASN'T A LIGHT THERE AND AS SOON AS THEY PUT THAT RECREATION CENTER, THEY PUT A LIGHT THERE. THERE'S ANOTHER LIGHT WITHIN A BLOCK WITH ITS -- WITH SHOAL CREEK. I FELT IF THEY CAN DO IT THERE, THEY CAN DO IT FOR US IN SOUTH AUSTIN. MOST OF THE PEOPLE THAT LIVED IN MY NEIGHBORHOOD HAVE BEEN THERE SINCE '68. I LIVED THERE SINCE '72. I LIVE ON WESTGATE. I SEE EVERY DAY FROM MY KITCHEN WINDOW THE TRAFFIC. THE TRAFFIC AT 7:00 I USED TO GO TO WORK AT 6:30 OR AT 7:30. I COULD NOT LEAVE MY HOUSE IF I LEFT LIKE AT 7:00. THE TRAFFIC LINES UP FOUR BLOCKS IN THE MORNING IT STOPS AT WESTGATE. AND -- AND STASSNEY. AND IT LINES UP PAST FOUR BLOCKS. ON THE -- ON GOING NORTH -- SOUTH, AT WILLIAM CANNON AND WESTGATE, THERE'S THE SHOPPING CENTER, H.E.B. WAS THERE, WE HAD REQUESTED ANOTHER LIGHT, SOMETHING FOR TRAFFIC, BECAUSE THERE WERE WRECKS THERE. IT USED TO BE IN THE YEARS BEFORE THAT, THE TRAFFIC WOULD ONLY STOP BEHIND H.E.B. NOW THEY ARE GOING TO BUILD ALBERTSON'S. OPENING UP FEBRUARY 6. WHEN I HAVE GONE THERE AT 5:00, THE CARS PASSED FOUR -- PAST FOUR BLOCKS BACK IN THE AFTERNOON. NOW, THE LETTER THAT I GOT FROM MR. DANCING, LEO DANCING, I CONTACTED HIM. HE STATED ON THERE THAT THIS WAS ORIGINALLY, YOU KNOW, THE INTENT TO BE BUILT FOR -- FOR -- FOR SINGLE LEVEL AND THE INTENT, I THINK THEY GAVE YOU A LETTER OF -- OF A COPY, IT SAYS LINE THE LAST PARAGRAPH, THE SENTENCE IT SAYS, THE INTENT OF THE DESIGN IN A WAY SHOWN WAS TO ESTABLISH CAPABILITY BETWEEN THE INDEPENDENT PARK DEVELOPMENT AND THE NEIGHBORHOOD SINGLE FAMILY. THAT'S WHAT ORIGINALLY THE INTENT.

THAT WAS -- I HAVE A QUESTION ON THAT PART. WHEN THEY CHANGED IT BECAUSE THERE'S A HOUSE BILL 1704. 1704, PERTAINS TO -- TO ITS -- IT LIKE -- IT'S LIKE A FEDERAL LAW, BILL, THAT WHEN A BUILDER DEVELOPS SOMETHING, IT'S LIKE -- LIKE THIS WAS WAY BACK IN 1980, '83, IT WAS A PERIOD -- IT WAS APPROVED, SO THIS 1704 PROTECT -- IT'S A FATHER [INAUDIBLE], I HAVE A REALLY BIG QUESTION BECAUSE I ALSO CONTACTED SENATOR BARRIENTOS AUSTIN CONCERNING WHY THIS WAS NOT BUILT RIGHT AWAY WITHIN THREE YEARS, SO WHY -- WHY DID THEY CONSIDER IT A -- A REPLACEMENT [INAUDIBLE]. IT SHOULD HAVE BEEN DEAD, IT SHOULD HAVE BEEN COMPLETELY DEAD. THE THING IS, I CONTACTED SENATOR BARRIENTOS AFTER PICKING UP FROM THE CITY ON OCTOBER THE 26TH, THE YEAR 2000, CONCERNING THIS HOUSE BILL. AND I ASKED RECENTLY TO GET A COPY. IT DIDN'T DAWN ON ME UNTIL RECENTLY THE COPY, IF THERE WAS ON ONE ON FILE. THERE IS ONE ON FILE. THIS IS DATED MR. -- MR. DUNCAN MUIR APPROVED IT OCTOBER THE 24TH, 2000, TWO DAYS BEFORE I CALLED THE SENATOR BARRIENTOS OFFICE AND ISN'T IT TRUE BARRIENTOS OFFICE, RICHARD HAMMER WAS GOING TO CALL THE DEVELOPMENT REVIEW BOARD AND ASK ABOUT THE 1704. WHAT'S REALLY QUESTIONING TO ME IS THAT OUR FIRST NOTICE WE EVER RECEIVED IS DATED MARCH THE -- MARCH THE 8TH. THE YEAR [INAUDIBLE] 2000. BUT THERE WERE SOME LETTERS IN THE FILES, ONE LETTER IS DATED NOVEMBER THE 9TH, 1999, FROM BURN AND PITMAN TO MR. DUNCAN MUIR STATING THAT THE LAST WEEK OF OCTOBER OF 1999 BENNETT DENTON, WAYNE EVERETT AND I MET WITH MR. [INAUDIBLE] AND SIGNED BY MR. -- JAMES B.SPAES KNIGHT. MR. - - THEN MR. DUNCAN MUIR DATED THIS LETTER DECEMBER THE 7TH, 1999. BUT IT NEVER MENTIONED HOUSE BILL 1704. IT MENTIONED

THAT -- THAT -- MENTIONING POTENTIALLY THE SITE REPLACEMENT ON THIS SUBJECT TRACT, THAT'S ALL IT MENTIONED. ALSO FEELING THAT THIS LAST SITE PLAN OFFERED THREE -- BENEFIT THREE OTHER LAST SITE PLANS. THIS IS A LETTER THAT'S IN THE FILES FROM THE -- THERE'S ANOTHER LETTER THAT IS DATED SEPTEMBER THE 25TH, THE YEAR 2000, FROM BURN AND PARTNERS NOW TO MRS. ALICE GLASGO. STATING ON BEHALF OF OUR CLIENT, CNC INVESTMENTS, BURN AND PARTNERS, I COULD TED, SUBMITTED A -- INCORPORATED SUBMITTED A SITE DEVELOPMENT APPLICATION. THIS PERMIT WAS PREVIOUSLY SUBMITTED TO THE CITY OF AUSTIN ON FEBRUARY THE 23RD. THE YEAR 2000. ON BEHALF OF THE PREVIOUS CLIENT. AND AT THE END, SAYING BURN AND PARTNERS MET WITH KATE -- LOAYCA, AND DUNCAN MUIR REGARDING THE REPLACEMENT SITE PLAN IN ACCORDANCE TO THE RULES AND REGULATIONS OF THE LD SECTION 5-5-64. NEVER AGAIN MENTIONED THE 1704. [BUZZER SOUNDING]

GOODMAN: THANK YOU. MS. TORRES YOUR TIME IS UP, IT SOUNDED LIKE YOU WERE ABOUT TO GO INTO --

NO, I CAN CONTINUE

GOODMAN: WAIT. BY CONTINUE, WHAT DO YOU MEAN?

WELL, THERE'S ANOTHER LETTER THAT WAS -- THAT WAS DATED OCTOBER THE 30TH, THE YEAR 2000 --

GOODMAN: IF MR. KNIGHT WHO IS THE LAST SPEAKER WANTS TO GIVE YOU HIS THREE

MINUTES, OR ANY PART OF IT, THEN WE COULD GO ON.

[INAUDIBLE - NO MIC].

GOODMAN: I'M SORRY, HOW DO YOU SPELL YOUR FAME?

[INAUDIBLE].

SO HE JUST CALLED YOU OUT AS A PERSON WHO WAS AGAINST BUT DIDN'T WISH TO SPEAK?

[INAUDIBLE - NO MIC].

DONATE TAME TO JILL HILL BILLIONS DIG OR CHRIS BUTLER. I THINK YOUR -- JILL HILLBIG OR CHRIS BUTLER. WE WILL FIGURE THAT OUT AT THE -- UP HERE. THIS IS TAKING MORE TIME THAN IT WOULD BE TO LET ANA BELL TALK. WHY DON'T WE GIVE YOU -- LET'S GIVE YOU THREE MINUTES SORT OF OFF THE CUFF, BUT YOU NEED TO FINISH IN 3 MINUTES

BUT THEN THE LAST LETTER DATED OCTOBER THE 30TH, THE YEAR 2000 FROM JIM KNIGHT TO ME AFTER FOUR DAYS AFTER I CONTACTED SENATOR BARRIENTOS' OFFICE STATING THAT THE PROJECT HAD -- HAS A 1704 TO THE YEAR 1980. MY YEAR IS -- MY QUESTION IS WHY WAS HOUSE BILL 1704 NOT SUBMITTED ON OCTOBER OR NOVEMBER OF 1999? FEBRUARY THE 23RD OF THE YEAR 2000? SEPTEMBER OR SEPTEMBER THE 25TH OF THE YEAR 2000 INSTEAD IT WAS SUBMITTED ON OCTOBER THE 24TH. THE YEAR 2000. TWO DAYS BEFORE -- BECAUSE I HAD GONE TO CENTRAL -- TO THE OFFICE AND THEY KNEW WHAT I WAS LOOKING FOR. I ALSO

WANTED TO TELL YOU ABOUT THE FLOOD PLAN. THERE WAS A CULVERT THERE, A CREEK, CONCRETE SLAB THAT HAD FALLEN OFF. I HAD THE CITY -- I CONTACTED -- I WAS REALLY CONCERNED ABOUT OUR NEIGHBORHOOD. I THINK OF AUSTIN ALL OVER AS OUR HOME. NOT JUST ONE PART LIKE WHAT I WAS THINKING ABOUT WHAT THEY WERE SAYING ABOUT EAST AUSTIN. JUST THINK OF AUSTIN BEING A -- SOMEBODY'S BODY AND ONE BODY -- ONE ARM IS DETEARATING. AND WHEN -- WHEN -- WHEN WE SHOULD CONSIDER AUSTIN AS EVERYBODY'S HOME AND LOOK FOR THE -- FOR THE BEST OF ALL OF THE NEIGHBORHOOD BECAUSE THEN IF YOU DETEARATE ONE ARM, THE OTHER ONE WILL START DETEARATING, ALSO. I BELIEVE THAT -- THAT IT TAKES AWAY FROM THE PRIVACY OF THE PEOPLE THAT LIVE THERE. THEY HAVE BEEN LIVING THERE SO LONG AND NOW YOU ARE GOING TO LET THEM BUILD THREE STORY BUILDINGS. AND I ACTUALLY BELIEVE THAT -- THAT THEY SHOULD -- PUT A LIGHT SOMEWHERE ON WESTGATE. THEN MY NEIGHBOR, THE ONE THAT YOU ALL SAW THE PHOTO, HIS HOUSE GOT -- HIDDEN AND WE HAVE -- HE HAD TO PAY FOR THAT THING TO KEEP THE CARS FROM COMING IN. I HAD ASKED FOR A TRUCK TO BE -- TO BE THERE ON THE CIRCLE SO IT COULD DETECT HOW FAST THE CARS WERE GOING SO THAT THE POLICE COULD COME BY AND THE PEOPLE WOULD GET IN THEIR MINDS, WELL, I SHOULD REALLY GO 35 AT THIS -- AND ANOTHER THING WESTGATE AT THAT PARTICULAR SPOT IS -- IS DESIGNED LIKE A CURVING SNAKE [BUZZER SOUNDING]

GOODMAN: IF YOU FINISH YOUR SENTENCE.

WE KEPT -- WE FOUGHT ACROSS THE STREET THEY ARE BUILDING HOMES, MR. -- I FORGOT HIS NAME, WE FOUGHT FOR -- ME AND THE

NEIGHBORS THAT THEIR HOUSE GOT HURT, THEY REALLY -- IT HAD BEEN HIT MANY AND MANY AND MANY TIMES. AND WE ASKED THE DEVELOPER HE WANTED TO HAVE AN ENTRANCE ON TO WESTGATE AND WE STOPPED IT AND HE IS SUPPOSED TO HAVE -- HE'S SUPPOSED TO -- WILL HOUSES, SUPPOSED TO GO UP THROUGH LONDON DRIVE. THEY ARE NOT GOING TO BE ABLE TO GET INTO WESTGATE. ANOTHER LIGHT NEEDS TO BE PUT THERE.

THANK YOU VERY MUCH.

YOU ARE WELCOME.

GOODMAN: MR. KNIGHT, JIM KNIGHT. WAIT A MINUTE, LET ME -- LET ME MAKE SURE -- OKAY. STEVE METCALF, HE'S HERE, ALSO? OKAY. MR. KNIGHT?

...>GOODMAN: WILL YOU ALL BE READY SOON?

HELLO.

HOW MUCH DO I GET

GOODMAN: YOU HAVE THREE MINUTES

I HAD PEOPLE ASSIGN TIME TO ME

NOT THAT I KNOW OF. I HAD PEOPLE ASSIGN IT TO MR. METCALF

THAT'S ME

I CALLED JIM KNIGHT

JIM KNIGHT IS ACTUALLY SPEAKING FOR THE OWNER. HE'S NOT -- HE IS AGAINST THE DEAL --

GOODMAN: WELL HE'S THE NEXT PERSON SIGNED UP, THAT'S WHY I CALLED JIM KNIGHT. ARE YOU ALL IN CONCERT WITH EACH OTHER? YOU WANT TO TRADE --

MAYOR GARCIA: JIM KNIGHT, IS HE HERE? ARE YOU GIVING ANYBODY'S TIME? WE FIRST NEED TO CALL MR. STEVE METCALF AND THEN MR. KNIGHT. MINUTE, PLEASE

HOW MANY?

MAYOR GARCIA: 12.

THANK YOU.

MAYOR GARCIA: OKAY. 12 MINUTES

THANK YOU. MAYOR, COUNCILMEMBERS, MY NAME IS STEVE METCALF, I'M AN ATTORNEY REPRESENTING THE OWNER. SUBPART B OF SECTION 25-564 OF THE REPLACEMENT SITE PLAN CRITERIA LISTS OR DESCRIBES WHAT APPEAL CAN BE MADE OF THE REPLACEMENT SITE PLAN. THERE ARE 10 CRITERIA THAT STAFF LOOKS OUT IN ORDER TO ISSUE A REPLACEMENT SITE PLAN, BUT OF THOSE 10 ONLY ONE IS APPEALABLE. THAT'S NO. 10. IT READS AS FOLLOWS: THE REPLACEMENT SITE PLAN DOES NOT CHANGE A CONDITION OF APPROVAL OF THE ZONING SITE PLAN. THAT'S IT. THAT'S THE SOLE GROUNDS FOR APPEAL. NONE OF THE OTHER NINE FACTORS ARE APPEALABLE. AND THERE'S

NO OTHER FACTOR THAT'S APPEALABLE. THIS PUTS THIS IN A DIFFERENT SITUATION THAN MOST OF THE MATTERS THAT COME BEFORE THE CITY COUNCIL. MOST MATTERS BEFORE THE CITY COUNCIL, LIKE A ZONING CASE ARE DISCRETIONARY. THIS IS DIFFERENT. THERE'S -- THERE ARE VERY NARROW TICK TECHNICAL LEGAL GROUNDS UNDER WHICH THIS APPEAL CAN BE GRANTED. BECAUSE OF THAT I ENCOURAGE YOU TO TALK TO YOUR LEGAL STAFF AND YOUR DEVELOPMENT STAFF IN ANALYZING THIS ISSUE. NOW, THAT'S NOT TO SAY THAT I DON'T THINK ONE SITE PLAN IS BETTER THAN THE OTHER. THE NEW SITE PLAN HAS FEWER UNITS, IT HAS LESS IMPERVIOUS COVER, SAVES MORE TREES, IT HAS MORE GREEN SPACE, IT HAS GREATER SETBACKS. BUT THAT'S NOT THE ISSUE BEFORE US. THE ISSUE BEFORE US IS DID THE REPLACEMENT SITE PLAN CHANGE A CONDITION OF APPROVAL OF THE ZONING SITE PLAN. STAFF DIDN'T THINK SO. STAFF ISSUED THE REPLACEMENT SITE PLAN. ZONING AND PLATTING COMMISSION, BY 7-0, UNANIMOUS VOTE, DENIED THE NEIGHBORHOOD'S APPEAL AND UPHELD THE REPLACEMENT SITE PLAN. THE NEIGHBORS HAVE BROUGHT UP A NUMBER OF ISSUES. MANY OF WHICH REALLY DON'T GO TO THE NATURE OF THE APPEAL. SO I WILL ADDRESS THE ONES THAT I THINK -- THAT I THINK ARE -- ARE GERMANE TO THE APPEAL. FIRST DEALS WITH TRAFFIC. THE TIA WAS NOT REQUIRED WITH THE ORIGINAL ZONING SITE PLAN. SINCE THE TIA WASN'T ACQUIRED THEN, THE TRAFFIC CAN'T BE A CONDITION OF APPROVAL NOW. THERE'S NO GROUNDS FOR APPEAL BASED ON TRAFFIC. NOW A LITTLE BACKGROUND ON THE TRAFFIC, THE NEIGHBORS BROUGHT A BUNCH OF ISSUES UP ABOUT TRAFFIC, AGAIN I ENCOURAGE YOU TO TALK TO YOUR TECHNICAL STAFF ABOUT THAT -- ABOUT THE ISSUES. BUT WE DID A TIA. THE TIA SHOWED NO NEGATIVE TRAFFIC IMPACT. AT THE NEIGHBOR'S REQUEST WE DID ANOTHER

TIA. THAT TIA HAD NEW TRAFFIC COUNTS, IT ADDED MORE STREETS, IT ADDED MORE INTERSECTIONS, MORE BACKGROUND TRAFFIC AND STILL SHOWED THE SAME THING, NO ADVERSE IMPACTS. BUILDING MIX. THERE'S BEEN A LOT OF TALK ABOUT HOW THESE TWO SITE PLANS HAVE -- ARE DIFFERENT. AND THE SITE LAYOUT HAS CHANGED, THE BUILDING HAS MOVED AROUND, THERE'S DIFFERENT CONFIGURATIONS. BUT THAT'S WHAT REPLACEMENT SITE PLANS ARE FOR. REPLACEMENT SITE PLANS ALLOW YOU TO MOVE BUILDINGS AROUND, TO CHANGE CONFIGURATION, TO CHANGE LOCATION. A LOT OF TIMES THESE SITE PLANS END UP LOOKING DIFFERENT. FOR INSTANCE HERE'S AN OLD ZONING SITE PLAN. YOU CAN SEE THE BUILDINGS COMING AROUND LIKE THIS, WHERE THE REPLACEMENT SITE PLAN, THERE'S ONE BUILDING IN THE MIDDLE OF THE PROPERTY. HERE'S ANOTHER EXAMPLE WHERE -- WHERE ZONING SITE PLAN SHOWED THE BUILDINGS COMING AROUND LIKE THIS. THE REPLACEMENT SITE PLAN IS ONE BUILDING IN THE MIDDLE OF THE PROPERTY. AS YOU KNOW, WE DON'T DO SITE PLANS AND ZONING ANYMORE. THERE'S A NUMBER OF REASONS FOR THAT, PARTIALLY BECAUSE IT WAS EARLY IN THE PROCESS AND PEOPLE REALLY DOESN'T HAVE THEIR SITES RESIGNED YET AND THE CITY COUNCIL HAVE ENOUGH TO DO WITHOUT REVIEWING SITE PLANS. THAT'S THE SAME REASON WE HAVE THE REPLACEMENT SITE PLAN CRITERIA. IF WE DIDN'T HAVE THE REPLACEMENT SITE PLAN CRITERIA, THEN ALL OF THESE OLD ZONING SITE PLANS WOULD BE CONSTANTLY COMING BEFORE CITY COUNCIL FOR CHANGES. RETIREMENT COMMUNITY. THERE IS NOTHING ON THE ZONING PLAN? THE RESTRICTIVE COVENANT, IN THE ZONING ORDINANCE OR ANYWHERE THAT SAYS THIS HAS TO BE A RETIREMENT COMMUNITY. NOW IT IS TRUE THAT THE PERSON

WHO OWNED THE PROPERTY BACK IN 1983, NOT THE PERSON WHO OWNS IT NOW, SAID HE INTENDED TO BUILD A RETIREMENT COMMUNITY. BUT THAT WAS NEVER MADE A CONDITION. LOOK AT ITEM NO. 12 OF THE MINUTES WE HANDED OUT TO YOU. YOU WILL SEE THE MENTION OF THE ZONING AND PLATTING, THE CHAIRMAN OF THE ZONING AND PLATTING, BETTY BAKER WHO WAS THE CASE MANAGER ON THE PROJECT BACK IN 1983 STATED SHE TOLD THE NEIGHBORS AT THE TIME THAT THIS PROJECT IS BEING ZONED FOR CONDOMINIUM USE, IT DID NOT HAVE TO BE A RETIREMENT COMMUNITY. LET ME SAY THAT AGAIN. THE CASE MANAGER TOLD THE NEIGHBORS BACK IN 1983 THAT THIS WAS A CONDOMINIUM USE, IT DOES NOT HAVE TO BE A RETIREMENT COMMUNITY. THINK ABOUT THIS: IF SOMEONE COMES BEFORE YOU NOW AND WANTS TO BUILD A PHARMACY ON UNZONED LAND AND YOU ZONE THEIR LAND GR, 20 YEARS FROM NOW SOMEONE WANTS TO PUT A TOY STORE ON THAT LAND, DO YOU GO BACK AND SEE WHAT WAS INTENDED TO BE BUILT? LET ME GIVE YOU A FINAL THOUGHT ON THE RETIREMENT COMMUNITY. IF WE HAD NEVER FILED THIS REPLACEMENT SITE PLAN, IF WE WENT AHEAD AND BUILT THE OLD ZONING SITE PLAN THE WAY IT IS, WOULD WE HAVE HAD TO BUILD THAT OLD ZONING SITE PLAN AS A RETIREMENT COMMUNITY. AGAIN THERE'S NOTHING THAT SAYS IT HAS TO BE A RETIREMENT COMMUNITY. SO IF WE WOULDN'T HAVE HAVE TO BUILD THE OLD ZONING SITE PLAN AS A RETIREMENT COMMUNITY, HOW IS IT A CONDITION THAT WE WOULD HAVE TO BUILD THE NEW ZONING -- THE REPLACEMENT SITE PLAN AS A RETIREMENT COMMUNITY? THOSE ARE THE HARD LEGAL FACTS BEFORE US. THERE'S NO GROUNDS FOR APPEAL. BUT THERE ISN'T A SITUATION WHERE WE HAVE JUST TRIED TO FORCE A SITE PLAN WITHOUT WORKING WITH THE NEIGHBORS. IF YOU LOOK AT TAB 10 IN YOUR BYNUMBERS, YOU

WILL SEE THE -- BINDERS, YOU WILL SEE THE PROCESS THAT WE HAV BEEN THROUGH. FIRST SITE PLAN TWO YEARS AGO, NEIGHBORHOOD MEETING OVER TWO YEARS AGO. SINCE THEN MANY CHANGES, MANY MEETINGS TRYING TO ADDRESS NEIGHBORHOOD CONCERNS. I WILL LET JIM KNIGHT DESCRIBE SOME OF THAT PROCESS AND SOME OF WHAT WE HAVE GONE THROUGH TO TIE TO MAKE THE SITE PLAN BETTER.

MAYOR, MEMBERS OF THE COUNCIL I WANT TO HIT A FEW ITEMS TONIGHT TO HELP YOU A LITTLE BIT. ONE ITEM THAT WAS BROUGHT UP EARLIER BY THE NEIGHBORS WAS DRAINAGE. THERE IS A SIGNIFICANT DRAINAGE PROBLEM THAT EXISTS -- YES, SIR? YES, SIR. THERE IS A SIGNIFICANT DRAINAGE PROBLEM THAT DOES EXIST ALONG THE EASTERN OR NORTHERN EDGE OF THE PROPERTY. WINTER NOT PROPOSING ANY CONSTRUCTION IN THIS AREA. AS A MATTER OF FACT WE SET BACK IN ACCORDANCE WITH ALL RULES AND REGULATIONS, WE HAVE PROVIDED DETENTION AND WATER QUALITY FACILITIES ON THE TRACT TO ASSURE THAT WE DID NOT INCREASE ANY DRAINAGE CONDITIONS THAT EXIST NOW. TO THE POINT WHERE I HAVE BEEN DOING PROJECTS WITHIN THE CITY OF AUSTIN FOR 20 YEARS, I HAVE NEVER SEEN A PROJECT THAT HAS BEEN SCRUTINIZED FROM TRAFFIC, DRAINAGE AND ENGINEERING PERSPECTIVE SUCH AS THIS ONE. THERE IS NO NEGATIVE IMPACT FROM DRAINAGE COMING FROM THIS PROJECT. THERE MAY BE EXISTING PROBLEMS, BUT IT WON'TING COMING FROM THIS PROJECT. WE HAVE MADE OVER 24 SEPARATE SITE PLAN MODIFICATIONS AT THE REQUEST OF THE NEIGHBORHOOD TO TRY TO MAKE THIS PLAN A BETTER PROJECT. SOME OF THOSE ARE ADDING FENCING, INCREASING SETBACKS, ADDING GREENBELTS, UNDISTURBED BUFFERS, HIKING TRAILS TO CONNECT BUFFALO PASS, MANY

MORE. THE SITE PLAN THAT YOU SEE BEFORE US IS 54 UNITS LESS THAN WAS ORIGINALLY APPROVED. IT HAS 155,000 SQUARE FEET LESS, BUILDING SQUARE FOOTAGE, IT HAS 6.36% LESS IMPERVIOUS COVER. IT HAS A CONSERVATION EASEMENT OF OVER 10 ACRES AND UNDISTURBED NATURAL BUFFER EASEMENT OF OVER 15 ACRE. HAS LESS PARKING SPACES AND SAVED MORE THAN 1100 MORE TREES THAN THE ORIGINAL SITE PLAN. IN OUR DISCUSSIONS WITH THE CITY STAFF, MR. LACK KEY, MR. HEIGHTS, MR. MUIR WORKED WITH US IN DETAIL TO MAKE SURE THAT WE MET THE LETTER OF THE CODE TO THE T TO MAKE SURE THAT WE MET EVERY CRITERIA OF REPLACEMENT SITE PLAN. KNOWING THAT THIS SITUATION MAY OCCUR SOME DAY AND -- AND COST OUR CLIENT QUITE A BIT OF TIME AND QUITE A BIT OF MONEY, BUT THEY WERE GLADLY WILLING TO COMPLY TO MAKE SURE THAT THEY MET THE LETTER OF THE LAW. WE THINK WE DO AT THIS POINT. I WOULD BE WILLING TO ANSWER ANY QUESTIONS IF YOU HAVE THEM, THANK YOU.

MAYOR GARCIA: QUESTIONS FOR THE -- [INAUDIBLE], WE WILL DO THAT AT THE APPROPRIATE TIME. THANK YOU VERY MUCH. MR. METCALF, MR. KNIGHT. NOW, IT'S TIME FOR REBUTTAL. FROM THE APPEALANTS AND I WILL -- I WILL CALL YOU IN THE ORDER IN WHICH YOU SPOKE. THE THREE ARE -- MS. BUTT -- MR. BUTLER, 3 MINUTES. MS. JOHNNY HILLBIG FOR 3 MINUTES, MR. MOORE FOR 3 MINUTES

MR. BUTLER

THANK YOU FOR THIS CHANCE TO APPLY. THEY ARE QUITE CORRECT. WE HAVE ALMOST NO LEGAL CODE OF APPEALING THIS. I DON'T KNOW WHY THE CODE CHOSE TO FREEZE OUT THE CITIZENRY THAT WAY. WE COULD ONLY APPEAL

THAT NO. 10 SAYING THAT -- THAT IT DOESN'T ADHERE A CONDITION OF THE ORIGINAL APPROVAL. BUT I SHOWED YOU UP THERE THE CITY COUNCIL'S OWN NOTES WHICH SAID THAT WHATEVER WAS BUILT THERE HAD TO BE BUILT IN ACCORDANCE WITH THE SITE PLAN, THE APPROVED SITE PLAN THAT -- WHAT WE KEEP CALLING THE ORIGINAL 1983 SITE PLAN A RETIREMENT SITE PLAN, BUT IT DOESN'T -- THEY ARE RIGHT. IT DOESN'T SAY RETIREMENT ANYWAY. ANYWHERE. BUT IF YOU LOOK AT IT, THERE IS -- THERE IS MINIMAL TRAFFIC THROUGH THAT AND THERE'S 550 UNITS, YOU COULDN'T POSSIBLY BUILD A CONTEMPORARY APARTMENT COMPLEX LIKE THAT BECAUSE IT JUST WOULDN'T SUPPORT THE TRAFFIC. THE -- THE RETIREEE ASPECT, THE LOW IMPACT USE IS IMPLICIT IN THAT. WE ALSO HAVE THE ARCHITECT'S LETTER TELLING US THAT THE -- THAT IT WAS DESIGNED TO BLEND INTO OUR NEIGHBORHOOD WITH ONE STORY UNITS ALONG THE PERIMETER. THEY WANTED TO LIVE WITH, CO-EXIST WITH US, THEY DIDN'T WANT TO DESTROY OUR OWN PROPERTY VALUES AND OUR WAY OF LIFE. SO WE THINK IN THOSE BROAD SENSES, THE NEW REPLACEMENT SITE PLAN IS NOT IN ACCORDANCE WITH THE OLD ONE. WE THINK THAT YOU MAY NOT HAVE A -- A GOOD LEGAL GROUND HERE TO ACCEPT OUR APPEAL, BUT WE SUSPECT THAT YOU HAVE OTHER OPTIONS SUCH AS SUGGESTING TO THE DEVELOPER THAT THEY REDUCE THE NUMBER OF UNITS TO 320 OR SOME COMPROMISE THAT WILL MITIGATE THINGS. YOU MAY EVEN BE ABLE TO SEND IT BACK TO YOUR OWN PLANNING COMMISSION AND ASK THEM TO RETHINK THEIR DECISION BASED ON -- ESPECIALLY ON THAT -- ON THE DIFFERING USE LEVELS OF THESE TWO DIFFERENT PROJECTS. WE HAVE BEEN -- IN THIS AREA FOR 30 YEARS NOW. AND FOR A BUNCH OF HOUSTON MONEY TO COME IN AND DESTROY OUR NEIGHBORHOOD IS JUST NOT REAL

ACCEPTABLE. SO WE HOPE THAT YOU WILL GIVE US A FIGHTING CHANCE TO PRESERVE OUR NEIGHBORHOOD, THANK YOU.

MAYOR GARCIA: THANK YOU, MR. BUTLER. MS. HILLBIG, THEN MR. MOORE.

THANK YOU. THE DICTIONARY DEFINES USE AS MEANING TO PUT INTO ACTION OF SERVICE, THE CONDITION OF BEING USED, A PURPOSE THAT A THING IS USED FOR. THIS IS WHAT WE BELIEVE THAT THE ZONING DESCRIBED EXACTLY. THE USE FOR THIS PROPERTY IS A RETIREMENT HOME, RETIREMENT COMMUNITY, THAT -- THAT THE USE IS DESCRIBED ON PAGE 4, PART 2, OF THAT ORDINANCE. THE DEVELOPMENT OF THE PROPERTY HEREIN DESCRIBED AS TRACT 2 SHALL BE ACCOMPLISHED IN ACCORDANCE WITH THE SITE PLAN. THE LEGAL DOCUMENT, ONE LEGAL DOCUMENT BACKING THAT UP IS FOUND IN THE APPLICATION FOR ZONING CHANGE, A LEGAL CITY OF AUSTIN DOCUMENT, WHICH SAYS THE PURPOSE IS TO PROVIDE OWNERSHIP HOUSING FOR RETIREMENT AGE CITIZENS. THIS IS A LEGAL DOCUMENT. IT IS REQUIRED IN ORDER FOR THE ZONING TO TAKE PLACE. THE SITE PLAN DOES NOT EXPIRE. IT IS THE LAW TODAY. WE FEEL THAT TO CHANGE THE USE OF THAT PROPERTY IS TO CHANGE A CONDITION OF APPROVAL. THANK YOU.

WELCOME AGAIN, SIR

THANK YOU, SIR. WE DO INDEED HAVE A LEGAL BASIS FOR APPEAL. AND THE CITY COUNCIL HAS FULL LEGAL DISCRETION TO APPROVE OUR REQUEST FOR CHANGES. LISTEN TO THIS LANGUAGE: THE ONLY BASIS OF APPEAL OF THE NEIGHBORHOOD TO ADMINISTRATIVE APPROVAL OF THIS PROJECT BY THE -- BY THE CITY

PLANNING COMMISSION IS THE -- THESE CONDITIONS OF APPROVAL, WE HAVE THIS ON TAPE. THIS COMMENT IS MADE BY STEVE METCALF, ATTORNEY FOR THE APPLICANT, ATTORNEY FOR THE CITY, WE ALSO CALLED AN ATTORNEY WITH THE TEXAS MUNICIPAL LEAGUE TO SEE IF THERE WERE ANY STATE LAW DEFINING WHAT CONDITIONS OF APPROVAL MEAN. THERE'S NOTHING IN THE STATE CASE LAW. THIS MEANS ACCORDING TO THIS FRIEND OF MINE WHO IS A CITY COUNCILMAN, THIS IS A POLITICAL MATTER. YOU HAVE FULL DISCRETION TO MAKE ANY CHANGES THAT YOU WISH. WHAT IS THE BASIS FOR MAKING A CHANGE? THIS -- THIS IS THE ZONING SITE PLAN. YOU LOOK AT THAT ZONING SITE PLAN. WE CAN REQUEST AGAIN ANY TYPE OF CHANGE. I SHOULD SAY GOING BACK TO THE ZONING SITE PLAN, YOU HAVE FULL DISCRETION TO VOTE YES OR NO. I RECOMMEND THAT YOU LOOK AT THE NUMBER OF UNITS THAT WERE ONE STORY VERSUS TWO STORIES, WHAT THAT RATIO, TO THE THREE STORIES, YOU CAN APPLY THIS TO THIS PROJECT IF YOU CHOOSE TO DO SO. WE HAVE -- WE HAVE FULL -- FULL RIGHT TO APPEAL ON THE BASIS OF CONDITION OF APPROVAL. YOU HAVE FULL LEGAL DISCRETION TO MAKE ANY MODIFICATIONS TO REDUCE THE DENSITY IF YOU CHOOSE TO DO SO. THANK YOU.

MAYOR GARCIA: THAT'S ALL OF THE APPELLANTS AND THE INTERESTED PARTIES AND OTHER NEIGHBORHOOD RESIDENTS. AND THE APPELLEE AND THEN THE THREE APPELLANTS THAT GAVE THE REBUTTAL. I'M GOING TO RECOGNIZE MS. TERRY SO SHE CAN EXPLAIN THE OPTIONS THAT THE COUNCIL HAS AVAILABLE

THE FIRST THING THAT I WOULD RECOMMEND THAT YOU DO IS THAT WE CLOSE THE PUBLIC

HEARING.

MAYOR GARCIA: MOTION BY COUNCILMEMBER SLUSHER, SECONDED BY COUNCILMEMBER GRIFFITH TO CLOSE THE PUBLIC HEARING. ALL IN FAVOR, SIGNIFY BY SAYING AYE.

AYE.

OPPOSED, NO.? MOTION CARRIES, HEARING IS CLOSED.

YOU ARE FACED WITH A UNIQUE SITUATION. THE UNIQUE SITUATION THAT YOU ARE FACED WITH IS THAT YOU ARE DEALING WITH WHAT WE COMMONLY REFER TO IS AN OLD ZONING SITE PLAN. THERE WAS A TIME WHEN COUNCIL HAD THE JURISDICTION BY ZONING COORDINATES AND IN FACT THE REQUIREMENT WAS THERE THAT SITE PLANS BE ATTACHED AND APPROVED IN THE ZONING ORDINANCES. AS I THINK THAT YOU HAVE HEARD THIS EVENING, THAT TURNED OUT TO BE SOMEWHAT UN WIELDY. AS A RESULT THAT WHOLE REGULATORY LEGISLATIVE SCHEME WAS CHANGED BY COUNCIL. IN DOING THAT, ONE OF THE CHANGES THAT WAS MADE, THE COUNCIL OPTED IN ADOPTING THE PROVISIONS OF THE CODE TO ADDRESS REPLACEMENT SITE PLANS TO UPDATES OF SITE PLANS, FOR EXAMPLE, THE UPDATE OF THE ZONING SITE PLANS, AND THAT MECHANISM WAS PROVIDED IN 20 -- IT'S BEEN RECODIFIED SEVERAL TIMES, BUT THE NEW CODE PROVISIONS OF 25, 5, 64A OF THE LAND DEVELOPMENT CODE. CITY CODE. AND IN -- IN PASSING THESE PROVISIONS, COUNCIL IN ITS WISDOM GAVE THE DIRECTIVE THE AUTHORITY TO APPROVE AN ADMINISTRATIVE SITE PLAN AS A REPLACEMENT FOR A ZONING SITE PLAN. IF THE DIRECTOR MADE SEPARATE DETERMINATIONS, 10 OF THEM.

I BELIEVE THAT YOU HAVE BEEN PROVIDED WITH COPIES OF THOSE DETERMINATIONS THAT THE -- THE EXERCISE THAT THE DIRECTOR HAS TO GO THROUGH IN DETERMINING WHETHER THE REPLACEMENT SITE PLAN THAT IS SUBMITTED FOR THE ZONING SITE PLAN IS APPROPRIATE FOR THE DIRECTOR TO APPROVE. AND THOSE PROVISIONS HAVE BEEN DISCUSSED WITH YOU THIS EVENING. IN ADDITION, THERE ARE ADDITIONAL PROVISIONS OF 25-5-64 THAT RESIDE FOR APPEALS. IF YOU WILL RECALL, IN YOUR LOAD.....LAND DEVELOPMENT CODE, THERE'S NOT A RIGHT OF APPEAL FOR EVERY DETERMINATION THAT IS MADE. BY YOUR STAFF. WHERE ADMINISTRATIVE DECISIONS ARE MADE. A RIGHT TO APPEAL MUST BE AFFIRMATIVELY GIVE CONVENIENT AND 25-5-64B SPECIFICALLY PROVIDES THAT AN INTERESTED PARTY CAN APPEAL TO THE PLANNING COMMISSION AND IN THIS CASE IF YOU WILL RECALL WE NOW HAVE TWO LAND USING COMMISSIONS AND THE APPROPRIATE PLACE FOR THIS APPEAL IS THE ZOAPG AND PLATTING -- ZONING AND PLATTING BECAUSE IT DID NOT INVOLVE A NEIGHBORHOOD PLAN SO THE ZONING AND PLATTING WAS THE APPROPRIATE LAND USE COMMISSION. SO WHERE IT SAYS PLANNING COMMISSION, SUBSTITUTE ZONING AND PLATTING COMMISSION. BUT AN INTERESTED PARTY MAY APPEAL TO THE ZONING AND PLATTING COMMISSION THE DIRECTOR'S DETERMINATION UNDER SUBSECTION A10. IT DOES NOT GIVE A RIGHT OF APPEAL FOR SUBSECTIONS 1 THROUGH 9. IT ONLY GIVES A RIGHT OF APPEAL TO SAY IT TO -- ON SECTION 10. NOW THERE IS A FURTHER APPEAL TO COUNCIL. THAT'S WHAT THIS -- WHY THIS CASE IS BEFORE YOU. YOU HAVE THREE PARTIES INTERESTED PARTIES WHO HAVE BROUGHT FORWARD AN APPEAL. WHAT YOU HAVE TO DECIDE THIS EVENING IS WHETHER OR NOT THOSE PARTIES ONE OR MORE, WHATEVER, HAVE

STATED AN APPEAL UNDER SECTION 10. AND THAT IS THAT THE REPLACEMENT SITE PLAN DOES NOT CHANGE A CONDITION OF APPROVAL OF THE ZONING SITE PLAN. WHAT DOES CAN BE OF APPROVAL OF THE ZONING SITE PLAN MEAN? BASICALLY, WHEN YOU ALL ENACT A ZONING ORDINANCE, THAT IS A LEGISLATIVE ACT ON YOUR PART. AND YOU STAKE THE GRANT OF -- YOU STATE THE ENACTMENT OR YOU STATE YOUR LEGISLATIVE CONDITIONS IN YOUR ORDINANCE. SO YOU MUST LOOK TO THE ORDINANCE, AND TO THE DOCUMENTS ATTACHED TO THAT ORDINANCE TO DETERMINE WHAT IS A CONDITION OF APPROVAL OF THE ZONING SITE PLAN. IF YOU WERE TO LOOK -- LET'S JUST WALK THROUGH THEM. YOU HAVE HEARD THREE ISSUES TONIGHT THAT I DISCERN. THREE ISSUES THAT WERE RAISED IN THE WRITTEN APPEALS. YOU'VE HEARD TRAFFIC, RETIREMENT HOMES AND THE THIRD THING THAT YOU HEARD WAS CONFIGURATION. AND NUMBER OF UNITS. ALL RIGHT. THE EASIEST ONE THAT I KNOW OF TO ADDRESS IS THE ISSUE OF RETIREMENT HOMES. THERE IS NO PROVISION IN YOUR ZONING ORDINANCE OR THE ATTACHMENTS AS I AM AWARE OF THEM AND AS I HAVE LOOKED AT THEM, AS STAFF HAS REVIEWED THEM, THAT REQUIRE THAT THE GRANT OF THIS ZONING SITE PLAN, THAT A CONDITION BE THE RETIREMENT USE. THAT'S NUMBER ONE. YOU HAD TWO OTHER ISSUES RAISED, TRAFFIC AND THE CONFIGURATION AND NUMBER OF UNITS. FOR THIS YOU ARE GOING TO HAVE TO GO BACK AND LOOK AT ITEMS ONE THROUGH NINE. IF YOU LOOK AT ITEMS ONE THROUGH NINE, YOU WILL SEE THAT TRAFFIC IS ADDRESSED IN ITEM NO. 2, AND TRAFFIC IS ADDRESSED IN ITEM NO. 3. THE ISSUES OF THE TRAFFIC IMPACT ANALYSIS. IF YOU LOOK AT ITEMS NUMBER 4 AND NUMBER 5 AND NUMBER 6, THOSE ITEMS ADDRESS THE AMOUNT OF IMPERVIOUS COVER, THE AMOUNT OF BUILDING COVERAGE, THE BUILDING HEIGHT,

THE INCREASES IN BUILDING HEIGHT. IF YOU WILL LOOK AT THOSE THREE PROVISIONS, THOSE THREE PROVISIONS ARE NOT PROVISIONS WHICH ARE APPEALABLE, BECAUSE WHEN THE DIRECTOR MAKES THE DETERMINATION UNDER THOSE THREE CONDITIONS, THOSE SPECIFIC PROVISIONS UNDER 25-5-64B ARE NOT PROVISIONS THAT ARE APPEALABLE. THE ONLY THING THAT IS APPEALABLE IS SUBSECTION A10. IF YOU WERE TO LOOK AT SUBSECTION 10, AND YOU WERE TO SAY, WELL, ALL RIGHT, I'M GOING TO DECIDE THAT TRAFFIC OR -- THAT BUILDING CONFIGURATION OR COVERAGE ARE A CONDITION OF -- OF APPROVAL OF A ZONING SITE PLAN, THEN WHAT YOU WILL HAVE DONE, YOU WOULD HAVE CREATED A RIGHT OF APPEAL TO SECTIONS 2, 3, 4, 5 AND 6 THAT DOES NOT ALREADY EXIST. IT IS ON THIS BASIS THAT YOUR STAFF HAS REVIEWED THE REPLACEMENT SITE PLAN THAT WAS SUBMITTED. AND IT WAS ON THIS BASIS THAT I BELIEVE THAT THE ZONING AND PLATTING COMMISSION DENIED THE APPEAL. WHAT YOU ALL, YOUR DUTY NOW, WHAT YOUR CHARGE -- WHAT YOU ARE CHARGED WITH DOING IS MAKING YOUR OWN DETERMINATION AS TO WHETHER OR NOT REPLACEMENT SITE PLAN DOES NOT CHANGE A CONDITION OF APPROVAL OF THE ZONING SITE PLAN. GAURS.....

MAYOR GARCIA: ONE QUICK QUESTION, MARTY. APPEAL NUMBER 2 IS UNDER SECTION 24-564-A9, THEN IT SAYS ON THE GROUNDS THAT THE REPLACEMENT [INAUDIBLE] APPEALS UNDER SECTION 24-5-65A2A, BUT YOU ARE SAYING THAT THOSE WERE NOT THE ITEMS THAT THE DIRECTOR USED IN MAKING THE DETERMINATION?

I AM SAYING THAT THE DIRECTOR MADE A DETERMINATION -- WHEN THE DIRECTOR MADE

THE -- THE DETERMINATION TO APPROVE THIS REPLACEMENT SITE PLAN, THE DIRECTOR CONSIDERED EACH AN EVERY ONE OF THOSE ITEMS. WHAT I AM SAYING IS DISAGREEMENT WITH THE DIRECTOR'S DETERMINATION ON THOSE ITEMS IS NOT APPEALABLE TO COUNCIL. WAS NOT APPEALABLE TO THE ZONING AND PLATTING COMMISSION.

MAYOR GARCIA: ONLY 10 BECAUSE 10 --

10 IS PERMITTED UNDER 25-5-64B WHICH SAYS AN INTERESTED PARTY MAY APPEAL TO THE PLANNING COMMISSION, IN THIS CASE ZONING AND PLATTING, THE DIRECTOR'S DETERMINATION UNDER SUBSECTION A10 OF THIS SECTION AND SUBSECTION A10 IS THE REPLACEMENT SITE PLAN DOES NOT CHANGE A CONDITION OF APPROVAL. AGAIN, THIS -- THIS CODE -- COUNCIL -- COUNCIL CAN CHOOSE IN ENACTING CODE PROVISIONS TO SPECIFY WHAT IT BELIEVES SHOULD BE APPEALABLE. AND WHAT I HAVE TO SAY IS WHILE THIS IS COUCHED IN TERMS OF THIS, AN APPEAL MAY BE MADE ON SUBSECTION 10, WHAT I WANT TO SAY IS, I HAVE TO -- TO REAFFIRM AGAIN, IS THIS THAT UNLESS THE CODE SPECIFIES THAT A SECTION IS APPEALABLE, A SUBSTANTIVE RIGHT OF APPEAL DOES NOT EXIST.

MAYOR GARCIA: QUESTIONS FOR MS. TERRY? DO I HEAR A MOTION?

SLUSHER: I HAVE A QUESTION

MAYOR GARCIA: COUNCILMEMBER SLUSHER. LET ME SEE, I DON'T SEE PAGE NUMBERS ON THIS. PART 2 ON THE LAST PAGE OF THE PASS AND APPROVE SIGNED BY MAYOR PRO TEM JOHN

TREVINO, BY THE WAY. PART 2, THAT THE DEVELOPMENT OF THE PROPERTY HEREIN DESCRIBED AS TRACT 2 SHALL BE ACCOMPLISHED IN ACCORDANCE WITH THE SITE PLAN APPROVED BY THE CITY COUNCIL AND ATTACHED HERE TO AS AN EXHIBIT A. SO WOULDN'T THAT BE A CONDITION THAT IT BE BUILT LIKE THAT SITE PLAN?

WHEN YOU LOOK AT THAT, THAT INITIALLY IS TROUBLESOME. THE REASON WHY IT IS INITIALLY TROUBLESOME IS BECAUSE YOU LOOK AT THAT YOU WOULD CONCLUDE, WELL, MAYBE THAT'S A CONDITION OF APPROVE. THE DIFFICULTY WITH CONCLUDING THAT THAT GETS YOU TO THE ABILITY TO REVIEW -- TO CONSIDER AN APPEAL, UNDER -- UNDER 4, 5 AND 6, WHICH IS WHAT THAT -- WHAT THAT WOULD ARGUABLY GO TO, BECAUSE REMEMBER A TRAFFIC IMPACT ANALYSIS WAS NOT DONE THE FIRST TIME AROUND, SO THE TRAFFIC IMPACT ANALYSIS WAS NOT A CONDITION OF THE SITE PLAN APPROVAL, YOU WERE ONLY LOOKING AT THE DRAWINGS OR THE CONFIGURATION. THE PROBLEM WITH -- WITHDRAWING THAT CONCLUSION IS -- WITH DRAWING THAT CONCLUSION IS THAT YOU COULD NEVER GIVE EFFECT TO THE CODE PROVISION THAT SAYS YOU CAN ONLY APPEAL UNDER A10. BECAUSE THAT WOULD ALWAYS ALLOW YOU TO LOOK AT 4, 5 AND 6. AND THAT IS SPECIFICALLY WHAT THIS CODE PROVISION DOES NOT ALLOW YOU TO DO.

SLUSHER: WELL, ABOUT ISN'T THAT A CONDITION THAT THEY -- THAT THEY BUILD IT UNDER A?

WELL, THE DIFFICULTY BEGIN WITH GOING THERE IS THAT WE HAVE, IN ORDER TO -- TO GIVE HARMONY TO -- TO YOUR -- TO THE

APPELLATE PROVISIONS AND YOUR RESTRICTING APPEAL, THE ONLY WAY TO DO IS THAT IS TO SAY IF YOU CONSTRUCT THAT THIS THIS MATTER, A MATTER OF ROUTINE THE ZONING SITE PLAN WAS ALWAYS ATTACHED, ALWAYS MADE A PART OF THE ORDINANCE, THE ZONING SITE PLANS AS A MATTER OF -- I WON'T ALWAYS SAY ALWAYS. BECAUSE LAWYERS ALWAYS GET INTO TROUBLE WHEN THEY ALWAYS SAY ALWAYS.

[ONE MOMENT PLEASE FOR CHANGE IN CAPTIONERS]

IF YOU READ IT -- THIS CAME UP WITH THE NEIGHBORHOOD DURING THE SITE PLAN APPROVAL PROCESS. SOME OF THE NEIGHBORHOOD DID WANT TO RE -- WHEN THAT WAS AS A CONDITION OF THE ORIGINAL ZONING THAT THERE BE A SITE PLAN, DID WANT TO READ THAT AS YOU COULDN'T CHANGE THAT SITE PLAN. IF YOU READ IT -- IF YOU INTERPRETED IT THAT WAY, THEN 25564, WHICH IS REPLACEMENT SITE PLAN PROCESS, YOU WOULD READ THAT OUT OF THE CODE BECAUSE YOU COULD NEVER CHANGE THAT SITE PLAN. THERE WOULD NEVER BE A SITE PLAN PROCESS. IF THE REPLACEMENT SITE PLAN WAS LOCKED INTO THE SAME SITE PLAN AFS ATTACHED TO THE ZONING ORDINANCE.

WYNN: MAYOR?

MAYOR GARCIA: COUNCILMEMBER WYNN?

WYNN: IT SEEMS TO ME THAT THE LEGAL ISSUES ARE BLACK AND WHITE AND THAT THIS ADMINISTRATIVE APPROVAL DOESN'T VIOLATE A CONDITION OF THE ZONING APPROVAL AND SO I

MOVE THAT WE DENY THE APPEALS AND UP HOLD
THE ADMINISTRATIVE APPROVAL.

MAYOR GARCIA: MOTION BY COUNCILMEMBER
WYNN TO DENY THE APPEALS AND -- SAY THAT
AGAIN, COUNCILMEMBER?

WYNN: WHAT I DO I NEED TO SAY, MS. TERRY.

DENY THE APPEAL.

WYNN: DENY THE APPEAL.

MAYOR GARCIA: IS THERE A SECOND? I'LL
SECOND IT.

GOODMAN: I HAVE A QUESTION.

MAYOR GARCIA: MAYOR PRO TEM AND THEN
COUNCILMEMBER ALVAREZ.

GOODMAN: I HAVE A SUBSTITUTE MOTION,
WHICH IS TO GRANT.

MAYOR GARCIA: OKAY. IS THERE A SECOND?
SECONDED BY COUNCILMEMBER SLUSHER.
DISCUSSION?

IT APPEARS THAT HEARING THE LEGAL
EXPLANATION

GOODMAN: WE HAD A LOT OF WAYS TO
INTERPRET THE CONDITION OF APPROVAL. AND
WE HAVE HEARD ABOUT THE HISTORY OF HOW
MANY SITE PLANS THAT WENT WITH THE
ZONING. WE DON'T DO THAT KNOW MR BECAUSE

THERE WERE SO MANY BOGUS SITE PLANS, FOR ONE THING, THAT WENT WITH THAT ZONING. WHAT I HAVEN'T BEEN ABLE TO FIND, THOUGH, IS ALONG THE WAY ARE MINUTES OF ANY MEETINGS, A DENIAL AT THE TIME OR A QUALIFICATION AT THE TIME FROM THE APPLICANT AT THE TIME, THAT THIS WAS NOT GOING TO BE THE RETIREMENT COMPLEX THAT WAS PUT FORWARD. AND AT THAT PARTICULAR MOMENT IN HISTORY, THERE WERE A GREAT MANY DEVELOPERS TRYING TO PUT MULTI-FAMILY COMPLEXES IN THIS AREA OF SOUTH AUSTIN. AND IN FACT, IT GENERATED THE VERY FIRST LAND USE STUDY OF MODERN TIMES, SO TO SPEAK, WAS THE SOUTH AUSTIN INFILL STUDY. AND PART OF THAT WAS BECAUSE OF THE HUGE OVERLOAD IN MULTI-FAMILY UNITS PROPOSED FOR ALL AROUND HERE IN ROUGHLY A THREE-MILE RADIUS. THAT'S PROBABLY NOT -- IT'S PROBABLY MORE THAN THAT, BUT THIS PARTICULAR AREA WAS IN THE CENTER OF A FIVE-MILE RADIUS AND THAT WOULD PROBABLY BE A GOOD UNDERSTANDING OF WHERE THE INFILL STUDY WAS AND WHY IT WAS. SO WHEN A NEIGHBORHOOD WENT INTO NEGOTIATIONS WITH THE DEVELOPER, AT THIS POINT IN TIME IT WAS VERY MUCH IN GOOD FAITH AND A LOT OF TIME WAS SPENT ON THIS NEIGHBORHOOD AND OTHER NEIGHBORHOODS, IN FACT, COALITION MEMBERS OF A UNITED SOUTH AUSTIN SPENT A LOT OF TIME ON THIS AND OTHER CASES. THEY DID GO INTO IT WITH GOOD FAITH. ON THE RECORD IS THE USE IN CONNECTION WITH THIS PARTICULAR PROPOSAL. BEFORE THE PLANNING COMMISSION AND AT THE COUNCIL. AND SO A CONDITION OF APPROVAL WOULD HAVE TO INCLUDE WHAT WAS ON THE PUBLIC RECORD AS THE USE PROPOSED, SITE PLAN OR NOT, IN FACT. THE REASON THAT I THINK IT STILL WORKS UNDER NUMBER 9 AND 10 ACTUALLY IS BECAUSE THE USE IS MORE INTENSE THAN THE ORIGINAL SITE PLAN IN THAT THE TRACT THAT

IS NOW MUCH MORE THAN WHAT COULD HAVE BEEN EXPECTED THEN, THE TRAFFIC FOR A RETIREMENT COMPLEX OR RETIREMENT COMMUNITY WAS ONE OF THE CRITICAL ISSUES THAT ALLOWED THE NEIGHBORHOOD TO NEGOTIATE THIS PARTICULAR AGREEMENT AND SUBSEQUENT ZONING. SO TO GO BACK ON THAT NOW I THINK MAKES A MOCKERY OF SAYING THAT NEIGHBORHOODS ARE PARTICIPANTS IN THE PROCESS. AND IF IN FACT THEY'RE ONLY BEING LED DOWN THE GARDEN PATH WHEN THEY REACH THESE AGREEMENTS -- WELL, OBVIOUSLY A WHOLE LOT OF PEOPLE SPENT A LOT OF TIME FOR NOTHING. AND SO IN ORDER TO UP HOLD THAT CONDITION OF APPROVAL, WHICH WAS SOMETHING THAT PLANNING COMMISSIONS AND COUNCILMEMBERS TALKED ABOUT AT THE TIME, YOU MUST GRANT THIS APPEAL. AND SO IN GOOD FAITH THAT'S THE MOTION I MAKE.

MAYOR GARCIA: FURTHER DISCUSSION ON THE SUBSTITUTE MOTION? OKAY. READY TO VOTE ON THE SUBSTITUTE MOTION? ALL THOSE IN FAVOR OF THE SUBSTITUTE MOTION, WHICH IS TO GRANT THE APPEAL, PLEASE INDICATE BY SAYING YIEG.

AYE.

MAYOR GARCIA: OPPOSED, NO?

NO.

MAYOR GARCIA: MOTION CARRIES ON A VOTE OF FIVE TO TWO, SO THE APPEAL IS GRANTED.

[CHEERING].

I READ YOUR VOTE RIGHT, COUNCILMEMBER THOMAS? ALL RIGHT. THAT'S ALL WE NEED TO DO ON SCUM 63, CORRECT? -- ITEM 63, CORRECT? WE GO TO ITEM 64, WHICH IS THE PUBLIC HEARING ON -- CONDUCT A PUBLIC HEARING ON WHETHER THE CITY CHARTER SHOULD BE AMENDED TO PROVIDE FOR THE ELECTION OF THE COUNCIL FROM SINGLE-MEMBER DISTRICTS AND THIS IS THE SECOND HEARING AND NO ACTION WILL BE TAKEN AT THIS MEETING. IF YOU COULD TAKE YOUR CONVERSATIONS WITH THE HALLWAY, WE WOULD APPRECIATE IT. IF YOU COULD TAKE YOUR CONVERSATIONS TO THE HALLWAY, PLEASE, SO WE CAN CONTINUE THE PUBLIC HEARINGS. THE FIRST SPEAKER IS MARK HAZELWOOD. FOLLOWED BY MAXINE LARKINS. MR. HAZELWOOD, WELCOME, SIR.

MORNING, MAYOR. IT'S ANOTHER -- AND OTHER DISTINGUISHED COUNCILMEMBERS. I HAD TO MODIFY MY OPENING COMMENTS THERE. WELL, ANYWAY, GOOD EVENING. FOR THE RECORD, MY NAME IS MARK HAZELWOOD, I'M THE PRESIDENT AND CEO WAS GREATER AUSTIN CHAM BR OF COMMERCE. I'M HERE IN EVENING IN SUPPORT OF AMENDING THE CITY CHARTER FOR CHANGING THE ELECTION OF CITY COUNCIL TO SINGLE-MEMBER DISTRICTS. FIRST WE APPLAUD AND SUPPORT YOUR DECISION TO APPOINT A CHARTER REVIEW COMMITTEE. THE SELECTION OF THOSE WHO SERVED ON THE COMMITTEE IN THE PROCESS THAT THE COMMITTEE FOLLOWED IN DERIVING ITS FINDINGS AND CONVEYING ITS RECOMMENDATIONS TO THE CITY COUNCIL FOR CONSIDERATION. WE THOUGHT THAT THE COMMITTEE DID A GOOD JOB IN REVIEWING THE ISSUE AND WE SUPPORT THE RECOMMENDATIONS. FOR SOME OF OUR COLLECTIVE EXPERIENCES HERE AND ELSEWHERE, WE BELIEVE THAT SINGLE-MEMBER DISTRICT STRUCTURE WOULD PROMOTE SOUND

AND GOOD GOVERNMENT BY IMPROVING REPRESENTATION FOR EVERY AREA AND CONSTITUENCY WITHIN THE CITY, INCREASING ACCOUNTABILITY OF ELECTED OFFICIALS TO THEIR CONSTITUENTS, LOWERING SIGNIFICANTLY THE COSTS OF RUNNING FOR OFFICE, AND BY DOING SO ENCOURAGING HIGHER LEVELS OF POLITICAL INVOLVEMENT BY VOTERS AND THOSE WHO WANT TO SERVE IN GOVERNMENT. WE REALIZE THAT SOME MAY BE CONCERNED THAT SINGLE-MEMBER DISTRICTS MIGHT FRAGMENT THE COMMUNITY AND DISCOURAGE GENERAL INTEREST DECISION MAKING BUT BASED ON THE SUCCESSFUL USE OF SINGLE-MEMBER DISTRICT CONCEPTS IN OTHER CITIES AND AT OTHER LEVELS OF GOVERNMENT, WHETHER AT THE COUNTY, STATE OR NATIONAL LEVELS, WE BELIEVE THAT THIS CONCERN IS MISPLACED AND EXAGGERATED. ALTHOUGH THE AT LARGE APPROACH HAS BEEN USED WITH CONSIDERABLE SUCCESS IN AUSTIN, 80% OF ALL COUNCILMEMBERS EVER ELECTED HAVE LIVED IN THE CENTRAL CITY. AS OUR POPULATION HAS GROWN AND BECOME MORE GEOGRAPHICALLY WIDESPREAD AND DIVERSE, WE BELIEVE THAT SINGLE-MEMBER DISTRICTS WILL IMPROVE REPRESENTATION. WITH REGARD TO THE NUMBER OF DISTRICTS, WE SUPPORT THE COMMITTEE'S RECOMMENDATIONS FOR 10 COUNCILMEMBERS SEATS FROM DISTRICTS AND A MAYOR ELECTED AT LARGE. ALTHOUGH A SMALLER NUMBER OF DISTRICTS MAY BE APPROPRIATE, WE ARE SENSITIVE TO THE VOTING RIGHTS ACT CONCERNS IDENTIFIED BY THE CHARTER REVIEW COMMITTEE. FOR ALL OF THESE REASONS, THE CHAMBER STRONGLY SUPPORTS THE RECOMMENDATION FOR SINGLE-MEMBER DISTRICTS PRESENTED BY THE CHARTER REVIEW COMMITTEE AND WE URGE THE COUNCIL TO PLACE THIS ITEM ON THE MAY FOURTH, 2002 BALLOT. WITH YOUR PERMISSION, I WOULD LIKE TO SUBMIT FOR THE RECORD A

RESOLUTION FROM THE BOARD OF DIRECTORS OF THE GREATER AUSTIN CHAMBER OF COMMERCE TO THE EFFECT OF MY TESTIMONY. THANK YOU VERY MUCH FOR ALLOWING ME TO TESTIFY.

MAYOR GARCIA: ONE QUICK QUESTION. DOES THE BOARD TAKE A POSITION ON INCREASING THE SIZE OF THE COUNCIL AUTOMATICALLY?

ACTUALLY, WE DIDN'T ADDRESS THAT, ALTHOUGH I WOULD SAY THAT WE FEEL COMFORTABLE WITH THE 10 MEMBERS THAT INITIALLY WERE THERE FOR A LITTLE LESS FAVORABLY INCLINED TO SUPPORT THE AUTOMATIC INCREASE TO 12 BASED ON A 25-% - - 25,000 INCREASE. SO WE REALLY WOULD PREFER TO SEE 10, PLUS ONE AT LARGE MAYOR.

MAYOR GARCIA: THANK YOU VERY MUCH.

THOMAS: MAYOR, IF I COULD ASK A QUESTION. JUST ASK ONE QUESTION.

YES, SIR?

THOMAS: AS YOUR BOARD LOOKING AT THE SINGLE-MEMBER DISTRICT, BUT LOOK AT THE MIXED SYSTEM?

WE DID.

THOMAS: WHAT WAS YOUR OPINION ON THAT?

WE DID CONSIDER A MIXED SYSTEM. AND OUR CLEAR BIAS IS FOR THE SINGLE-MEMBER DISTRICTS WITH ONE MAYOR. THE PRINCIPLE

REASON IS IF YOU HAD A MIXED SYSTEM IT MIGHT CREATE TWO CLASSES OF COUNCILMEMBERS. WE ALSO THINK IT WOULD DECREASE THE NUMBER OF -- DECREASE THE NUMBER OF DISTRICT SEATS IF YOU KEPT TO THE SAME TOTAL NUMBER RECOMMENDED BY THE COMMISSION, WHICH COULD RAISE THE VOTING ACTS RELATED CONCERNS AND IT COULD ONLY INCREASE THE SIZE TO SUBSTANTIALLY BEYOND 10 PLUS ONE AT LARGE, SO FOR ALL OF THOSE REASONS, WE DIDN'T FEEL THE MIXED SYSTEM WAS AS GOOD.

THOMAS: WHEN YOU SAY VOTERS'S RIGHT, WOULDN'T YOU THINK IT WOULD BE THE OPT BECAUSE OF REPRESENTATION AND THE GEOGRAPHIC OF AUSTIN AND HOW THE POPULATION IS SPREAD OUT?

I GUESS WHAT I WAS REALLY TRYING TO SAY IS THAT IF YOU STAYED WITH A NUMBER OF TENS, BUT SOME OF THOSE WERE AT LARGE, THAT WOULD MEAN THERE WOULD BE MORE PEOPLE THAT WOULD HAVE TO BE REPRESENTED BY THOSE BY DISTRICTS. AND WE'RE REALLY JUST TRYING TO PLAY -- JUST TRYING TO GIVE SUPPORT TO THE COMMISSION, SO THE COMMITTEE'S FINDINGS THAT USING 10 DISTRICTS SEEMINGLY WOULD GO FURTHER TOWARDS ADDRESSING VOTING RIGHTS ACTS CONCERNS.

THOMAS: THANK YOU.

THANK YOU. I'M NOT SPEAKING TOO WELL THIS MORNING. THANK YOU.

MAYOR GARCIA: THANK YOU. MAXINE BARK IN. IS SHE HERE? SHE DOESN'T INDICATE A

PREFERENCE. SUSAN HARRIS? AND FOLLOWING MS. HARRIS IS MR. JORGE GUERRA.

GOOD MORNING, MY NAME IS SUSAN HARRIS. I HAVE BEEN A REGISTERED VOTER IN THE CITY OF AUSTIN THESE PAST 23 YEARS. I'M A SMALL BUSINESS OWNER. I'M ACTIVE IN THE COMMUNITY IN MANY WAYS AND I DELIGHT IN THE BROAD DIVERSITY OF CULTURES AND ATTITUDES THAT 35 IN AUSTIN. I HAVE STUDIED THE ISSUE OF SINGLE-MEMBER DISTRICTS IN-DEPTH AS THE CHAIR OF THE REAL ESTATE COUNCIL'S CHARTER REVISION COMMITTEE. AND I HAVE REACHED THE FOLLOWING CONCLUSION: OUR FABULOUS CITY HAS SIMPLY GROWN TOO LARGE DEMOGRAPHICALLY AND GEOGRAPHICALLY FOR OUR COUNCILMEMBERS TO REALLY KNOW THEIR CONSTITUENTS AND TRULY UNDERSTAND THE MYRIAD OF ISSUES IN THE MANY SMALLER COMMUNITY WITHIN OUR LARGE CITY. IT'S EVIDENT THAT CITIZENS IN MANY PART OF TOWN ARE ALIENATED AND FEELING ANGRY BECAUSE THE NEEDS OF THEIR AREAS ARE NOT BEING HEARD OR ATTENDED TO BY THE CITY. IT'S EVIDENT WHEN YOU LOOK AT THE DEMOGRAPHER'S MAP OF THE RESIDENCES OF COUNCILMEMBERS OVER THE PAST 25 YEARS THAT AREAS OF SOUTHEAST, NORTHEAST, SOUTHWEST, FAR NORTHWEST AND EVEN CENTRAL NORTH AUSTIN HAVE GONE UNDERREPRESENTED IN THE LAST 25 YEARS. I BELIEVE THAT THE CITY OF AUSTIN WILL BE BETTER SERVED BY COUNCILMEMBERS WHO ARE ACCOUNTABLE TO A SMALLER CONSTITUENCY THAT IS GEOGRAPHICALLY DEFINED. I BELIEVE THAT A SYSTEM OF SINGLE-MEMBER DISTRICTS WILL PRODUCE A LARGER NUMBER OF POTENTIAL CANDIDATES FOR OFFICE AND ALLOW CANDIDATES OF LIMITED MEANS TO COMPETE MORE SUCCESSFULLY FOR ELECTION. AND I BELIEVE THAT A SYSTEM OF SINGLE-MEMBER DISTRICTS WILL PRODUCE A CITY COUNCIL THAT

REFLECTS THE BROAD GEOGRAPHIC, ETHNIC, EYE DELOGIC, ECONOMIC AND ENVIRONMENTAL DIVERSITY THAT EXISTS AND THRIVES IN AUSTIN AND THAT ALL OF AUSTIN WILL BENEFIT FROM SUCH REPRESENTATION. TO ME THE DEBATE OVER SINGLE-MEMBER DISTRICT REPRESENTATION IS A GOOD GOVERNMENT ISSUE. IT WORKS AT THE COUNTY, THE STATE, THE FEDERAL, THE JUDICIAL LEVEL. AND I BELIEVE IT WILL SERVE THE CITY OF AUSTIN WELL. I URGE YOU TO PLACE THE SINGLE-MEMBER DISTRICT CHARTER AMENDMENT ON THE BALLOT IN MAY AND GIVE THE VOTERS OF AUSTIN THE OPPORTUNITY TO VOTE ON THIS GOOD GOVERNMENT ISSUE. THANK YOU.

MAYOR GARCIA: THANK YOU VERY MUCH, MS. HARRIS. MR. JORGE GUERRA. AND FOLLOWING MR. GUERRA IS MR. KIRK RUDY. MR. RUDY HAS SIX MINUTES. GOOD MORNING MR. GUERRA.

HI, HOW ARE YOU. GOOD MORNING TO YOU AND I APPRECIATE THE OPPORTUNITY. AND I WOULD NOT LIKE TO HAVE YOUR JOB. I DON'T HAVE THAT KIND OF JOB TO STAY UP LATE, NOT AT MY AGE. I WILL SAY THAT I WILL BE FOR SINGLE-MEMBER DISTRICTS WITH THE EXPERIENCES THAT I HAVE HAD FOR THE LAST 50 YEARS HERE IN AUSTIN. I HAVE LIVED IN THE SAME AREA OF TOWN FOR THE LAST 40 YEARS AND I'M A RETIRED BUSINESSMAN FROM THE SO-CALLED OLD EAST AUSTIN. EAST AUSTIN IS QUITE BIG NOW, BUT I'M TALKING ABOUT THE OLD EAST AUSTIN AREA. I WOULD AGREE TO HAVE 10 OR 12 OR 15 DISTRICTS, PROVIDED THAT YOU WOULD HAVE THAT MANY CITY CHARTERS, NOT JUST THE ONE THAT WE HAVE NOW. GET ALL OF THEM EQUALLY WRITTEN, ONE CHARTER EQUALLY WRITTEN FOR EACH DISTRICT WITH AUTHORITY FOR THAT DISTRICT REPRESENTATIVE TO GET EQUAL AMOUNT OF MONEY PER PERSON FROM

THE STATE, THE COUNTY OR THE CITY. AND THAT THAT SINGLE-MEMBER DISTRICT REPRESENTATIVE HAVE THE AUTHORITY AND ALSO THE TIME AND THE ABILITY TO GO AND SEE WHAT HAS BEEN NEGLECTED AND GET TO WORK ON IT TO CATCH UP. THAT WILL BE THE ONLY WAY THAT THE UNDERREPRESENTED AREAS OF TOWN WILL BE ABLE TO SEE WHAT HAPPENS IN THE AREAS THAT YOU HAVE PLENTY OF TIME TO DO AND MONEY TO SPEND. AND THEY AGREE THAT WE HAVE BEEN MISREPRESENTED AND THAT THE CITY HAS GROWN AND IT'S NOT THE SAME. I AM NOT BLAMING ANY OF YOU, BUT AT ONE TIME I SUGGESTED -- .

MAYOR GARCIA: YOU GAVE MR. GUERRA SIX MONTHS AND HE ONLY HAS THREE. THE NEXT SPEAKER HAS THREE. SO WAS MR. GUERRA GIVEN ONE MINUTE AND 20 SECONDS MORE.

SO HOW MANY DO I HAVE?

MAYOR GARCIA: A MINUTE AND 20 SECONDS.

OKAY. MAYOR PAIR JUST A SECOND. THEY'RE GETTING IT. RIGHT THERE. OKAY.

OKAY. SO WHEN MAYOR WATSON WAS ELECTED, I CAME BY AND I SUPPORTED ALL OF YOU AND I WAS HOPING THAT THIS COUNCIL WOULD BE ABLE TO SHOW SOME SIGN OF CATCHING UP WITH THE OLD PROBLEMS. BUT RATHER THAN DOING THAT, YOU SEEM TO BE, YOU KNOW, COMING UP WITH NEW ISSUES THAT, YOU KNOW, ARE MONEY WISE GOOD TO THE CITY AND WE CONTINUE TO LACK WHAT YOU, MR. MAYOR, YOUR HONOR, I WOULD LIKE TO HAVE FOR THE CHILDREN IN EAST AUSTIN, SAFETY. THEY ONLY GO TO SCHOOL SIX HOURS A DAY,

BUT THEY LIVE IN OUR NEIGHBORHOODS THAT HAVE BEEN NEGLECTED THE REST OF THE TIME, YEAR-ROUND. DAY AND NIGHT. AND SO I WILL SUPPORT YOU IF YOU WILL FIND THE ASSISTANCE TO CATCH UP WITH THE OLD ISSUES THAT HAVE BEEN LAYING THERE WAITING TO BE CANE CARE OF FOR THE LAST 40 YEARS.

MAYOR GARCIA: MR. KIRK RUDY. MR. RUDY HAS SIX MINUTES. AND FOLLOWING HIM IS MR. HOWARD FALLENBURG AND THEN MS. JENNIFER GALE.

GOOD MORNING MAYOR, GOOD MORNING COUNCILMEMBERS, FORGIVE MY VOICE. YOU MAY BE PLEASED TO KNOW THAT I WILL TAKE BUT A FRACTION OF MY ALOTTED TIME. I'M OF THE PRESIDENT OF THE REAL ESTATE COUNCIL OF AUSTIN THIS YEAR. I TOO, LIKE A FEW OF THE PEOPLE THAT PRECEDED ME, WOULD LIKE TO CON GRATE LATE YOU AND THANK YOU FOR THE PROCESS THAT YOU'VE ESTABLISHED TO STUDY THE ISSUE OF SINGLE-MEMBER DISTRICTS, INCLUDING THE CHARTER REVISION COMMITTEE THAT'S BEEN CHAIRED BY BOBBY BARKER. I TOO FELT LIKE BOBBY AND HER COMMITTEE DID A GREAT JOB STUDYING THE ISSUE. AS ONE OF OUR SPEAKERS TOLD YOU BEFORE, SUSAN HARRIS, ALSO DID A GREAT JOB CHAIRING THE SUBCOMMITTEE WHICH WAS ESTABLISHED TO MONITOR THE ISSUES STUDIED BY THE CHARTER REVISION COMMITTEE. THEY DID A CONSIDERABLE AMOUNT OF RESEARCH, A LOT OF WORK. THEY CONVENED A PANEL OF EXPERTS LAST WEEK TO SPEAK TO OUR MEMBERSHIP ABOUT SINGLE-MEMBER DISTRICTS. WE'VE BEEN TWO DAYS AGO THE BOARD OF THE REAL ESTATE COUNCIL TOOK ACTION AND PASSED A RESOLUTION WHICH ALSO IS SUPPORTING THE CITY'S CHARTER REVISION COMMITTEE'S

RECOMMENDATION TO CHANGE THE CURRENT SYSTEM OF SEVEN AT LARGE MEMBERS TO ONE IN WHICH THERE ARE 10 SINGLE-MEMBER DISTRICTS AND ONE AT LARGE MAYOR. THERE ARE TWO PROVISIONS TO THAT RESOLUTION. ONE IS THAT WE THINK IT IS ESSENTIAL THAT THE REDISTRICTING COMMITTEE THAT WILL BE ESTABLISHED TO DRAW THE LINES FOR THE DISTRICTS BE ESTABLISHED PRIOR TO THE ELECTIONS. AND PERHAPS MORE IMPORTANTLY THE PEOPLE THAT WILL BE ON THAT COMMITTEE SHOULD BE VERY REPRESENTATIVE OF OUR COMMUNITY FROM A GEOGRAPHICAL AND ETHNIC KEL AND SHAREHOLDER OR STAKEHOLDER PERSPECTIVE. WE HAVE LEARNED NOT ONLY IN RECENT PAST, BUT IN THE FAR PAST THAT UNLESS THERE IS A COMPLETE UNDERSTANDING OF A PROCESS BEFORE VOTERS ARE ASKED TO VOTE ON IT, THEN THE PROBABILITY OF THAT VOTE SUCCEEDING IS LOWER THAN IF THE VOTERS HAVE A GREATER UNDERSTANDING OF THAT PROCESS. WE FEEL THAT THE CHANGE TO SINGLE-MEMBER DISTRICTS WILL PROVIDE US WITH A CONSIDERABLY MORE REPRESENTATIVE FORM OF GOVERNMENT. WE FEEL THAT YOU ALL ARE ASKED TO REPRESENT CONSIDERABLY MORE PEOPLE THAN YOU'RE CAPABLE OF REPRESENTING AND THAT IT'S NOT FAIR TO YOU ALL. WE FEEL THAT A SINGLE-MEMBER DISTRICT FORM OF GOVERNMENT WILL BE MUCH LESS COSTLY TO THE TAXPAYERS AND TO THE CITY. AND WE URGE YOU, PLEASE, TO AT LEAST AT THIS POINT ALLOW THE VOTERS TO VOTE IN MAY TO CHANGE THE SYSTEM TO SINGLE-MEMBER DISTRICTS. THANKS VERY MUCH.

MAYOR GARCIA: THANK YOU, MR. RUDY. MR. HOWARD FAULKENBURG, IS HE HERE? I DON'T SEE HIM, BUT HE IS REGISTERED IN FAVOR OR FOR SINGLE-MEMBER DISTRICTS. MS. JENNIFER GALE? AND FOLLOWING MS. GALE IS MR. ROBERT

SINGLE TON. SINGLETON. MS. GALE, WELCOME?

HOW MANY MINUTES DO I HAVE, PLEASE.

MAYOR GARCIA: THREE.

HI, AUSTIN. FUTURE CITY MANAGER TOBY FUTTRELL, MAYOR GUS GARCIA, COUNCILMEMBERS, HARD WORKING STAFF. I AM A CANDIDATE FOR THE UNITED STATES HOUSE OF REPRESENTATIVES FOR THE 10TH CONGRESSIONAL DISTRICT IN THE AUSTIN CITY COUNCIL HAS ASKED FOR AN ALTERNATIVE TO FINANCE REFORM. REINTRODUCING SINGLE-MEMBER DISTRICT IS JUST ONE OPTION. WE NEED A POWER MAYOR TO BE EEELECTRICKED FOR THE 680,000 PEOPLE LIVING IN AUSTIN. AND THE OTHER, 32 INDIVIDUAL SINGLE COUNCILMEMBER DISTRICTS. EACH COUNCILMEMBER WOULD BE RESPONSIBLE FOR 21,000 CONSTITUENTS, A NICE SMALL DISTRICT WHERE THE PEOPLE OF AUSTIN WOULD RECOGNIZE THAT PERSON AS THEIR VERY OWN. THE OPPORTUNITY FOR CIVIC INVOLVEMENT THROUGHOUT AUSTIN WOULD BE TREMENDOUS. PROFESSORS, DOCTORS, BUSINESSMEN, FATHERS, MOTHERS, GAYS, LESBIANS, STUDENTS, ENTREPRENEURS, GENIUSES, ARTISTS OF ALL KIND, COMPUTER PROGRAMMERS, FAST FOOD WORKERS, ARCHITECTS, ARCHITECTS WORKING AS FAST FOOD WORKERS. THE NEED FOR LARGE SUMS OF MONEY WOULD BE GREATLY REDUCED. DISTRICT OF 21,000 PEOPLE, ALTHOUGH CUMBERSOME, WOULD BE MANAGEABLE. PHYSICALLY AS WELL AS FINANCIALLY. A FAIR -- A FAR FAIRER PLAYING FIELD FOR CANDIDATES. THIS AMOUNT OF AUSTIN COUNCILMEMBERS WOULD MAKE IT POSSIBLE FOR THESE INDIVIDUALS TO SIT ON A NUMBER OF BOARDS AND COMMISSIONS THAT WILL REPORT TO THE CITY COUNCIL WITH THE PASSION OF INTRODUCTION SPROUS

INTRODUCED IN COMMITTEES, GREAT, LIFE AFFIRMING DEBATES WOULD BEGIN. IDEA WILL START FLYING. THE PEOPLE OF AUSTIN WILL BE PART OF THE PROCESS AND WAITING WITH BAITED BREATH AT THE NEXT AUSTIN COUNCIL MEETINGS. DECISIONS WOULD BE MADE NOT BY ARBITRARY TIME LIMITS BUT BY THE LEADERS, LEADERSHIP AND ATTENTION TO DETAIL, MAINTAINING CONTACT AND OPEN DIALOGUE WITH HIS OR HER 21,000 CONSTITUENTS. INSTITUTIONAL MEMORY WILL BE PASSED DOWN BY ALL THOSE ELECTED OFFICIALS WORKING ON BEHALF OF THEIR CONSTITUENTS THROUGHOUT AUSTIN, EVERY REPRESENTATIVE WITH THEIR CHANCE TO IMPART KNOWLEDGE, INSTITUTIONAL MEMORIES, GENERATION AFTER GENERATION SHOWING A LEVEL OF CAROUSEL DOM SEEN BY TERM LIMITS, WISE HE WILL DERS, RESPECTFUL JUNIOR MEMBERS SHARING IDEAS WITH ALL OF OUR IN MIND. I'M ASKING FOR ENOUGH REPRESENTATIVES TO REPRESENT EVERY POSSIBLE CONSTITUENCY AS WELL AS SIT ON BOARDS AND COMMISSIONS TO REPORT TO THE COUNCIL HEADED BY A MAYOR RESPONSIBLE FOR THE WORK OF THE CITY -- A CITY MANAGER OR ADMINISTRATIVE ASSISTANT. THE MAYOR OR CHIEF EXECUTIVE OFFICER TO BE HIRED OR FIRED BY THE PEOPLE OF AUSTIN AT ELECTION TIME FOR A REPRESENTATIVE GOVERNMENT. I'M ASKING FOR THIS PROPOSAL TO BE CONSIDERED BY THE PEOPLE OF AUSTIN -- . [BUZZER]. AS A CHARTER INITIATIVE SUBMITTED BY THE MEMBERS OF THIS CITY COUNCIL.

MAYOR GARCIA: THANK YOU, MS. GALE.

THANK YOU. AND GOODNIGHT.

MAYOR GARCIA: HAVE A GOOD DAY. MR. ROBERT SINGLETON? MR. SINGLETON IS REGISTERED IN FAVOR OF. THAT'S ALL THE SPEAKERS THAT WE

HAVE. WE DON'T HAVE AN ACTION ITEM ON THIS, SO I'LL ENTERTAIN A MOTION TO CLOSE THE PUBLIC HEARING. MOTION BY -- MOTION BY COUNCILMEMBER GRIFFITH. SECONDED BY THE MAYOR PRO TEM. ALL THOSE IN FAVOR, SIGNIFY BY SAYING AYE. OKAY. WE HAVE ANOTHER PUBLIC HEARING, BUT IT DOESN'T HAVE ANY SPEAKERS, SO I'LL ENTERTAIN A MOTION TO CLOSE THAT PUBLIC HEARING. MOTION BY COUNCILMEMBER SLUSHER, SECONDED BY COUNCILMEMBER GRIFFITH. FOR THE PUBLIC HEARING ON -- THE ACTION ON AN ORDINANCE SETTING STANDARDS OF CHILD CARE FOR PARKS AND RECREATION DEPARTMENT FACILITIES AND PROGRAMS. ALL IN FAVOR OF THE MOTION TO CLOSE THE PUBLIC HEARING, PLEASE SAY AYE. OPPOSED NO. MOTION CARRIES. NOW, THIS IS AN ACTION ITEM, AND I GUESS SOMEBODY NEEDS TO EXPLAIN A LITTLE BIT ABOUT THE ORDINANCE SETTING THE STANDARDS OF CHILD CARE FOR THE PARKS AND RECREATION DEPARTMENT.

MAYOR, BASICALLY THIS IS LOCAL STANDARDS THAT ARE FOR CARE FOR CHILD CARE WITH THE PARKS AND RECREATION DEPARTMENT AND OUR PROGRAMS AT RECREATION CENTERS. THIS ORDINANCE IS SANCTIONED BY THE TEXAS DEPARTMENT OF PROTECTIVE AND REGULATORY SERVICES. AND BASICALLY IT'S A GENERAL LICENSING BODY FOR PROCEDURES FOR ALL CHILD CARE FACILITIES. AND THIS IS -- THIS PROVIDES THE CITY FOR AN EXEMPTION FROM THIS LICENSING ONCE THE CITY CONDUCTS A PUBLIC HEARING AND ADOPTS THESE STANDARDS OF CARE FOR OUR CHILDREN AND OUR RECREATION CENTERS.

MAYOR GARCIA: THE STANDARDS ARE THE SAME THAT ARE SET BY THE REGULATORY -- .

THEY'RE REGULATED BY THE STATE. WHAT THESE STANDARDS ARE IS THAT WE'RE NOT GOING TO BE REGULATED LIKE A CHILD CARE BY THE STATE.

MAYOR GARCIA: BUT OUR STANDARDS ARE THE SAME HIGH QUALITY AS THE -- .

YES, SIR, WE HAVE THE STANDARDS IN PLATES AND THE RATIOS AND THOSE REQUIREMENTS THAT ARE -- .

MAYOR GARCIA: OKAY. QUESTIONS? IF NOT, I'LL ENTERTAIN A MOTION TO APPROVE.

GRIFFITH: I MOVE APPROVAL.

MAYOR GARCIA: MOTION BY COUNCILMEMBER GRIFFITH, SECONDED BY COUNCILMEMBER THOMAS. DISCUSSION?

GOODMAN: YES, MAYOR PRO TEM. -- YES, MAYOR. I WOULD HOPE WE WOULD MOVE ON FROM HERE AND GO ON WITH THE MINIMUM STANDARDS THAT THE STATE REQUIRES AND GO ON TO NAYAYC, IT IS A MUCH BETTER RATIO.

MAYOR GARCIA: OKAY. THAT REQUEST IS OF RECORD, SO Y'ALL CAN LOOK AT THAT ISSUE AND BRING IT BACK AT THE APPROPRIATE TIME.

COUNCILMEMBERS, THIS ORDINANCE GETS ANNUALLY APPROVED, SO WE CAN'T BRING THOSE BACK, THAT CONCERN AND THOSE ISSUES BACK TO YOU WHEN WE APPROVE THE ORDINANCE.

MAYOR GARCIA: OKAY. THOSE IN FAVOR OF THE ORDINANCE, PLEASE INDICATE BY SAYING AYE. OPPOSED NO. THE MOTION CARRIES ON A VOTE OF SEVEN TO ZERO. AND JUST A SECOND. Y'ALL BE BACKING UP AND WE'RE NOT THROUGH. SO IT PASSES ON ALL THREE READINGS. THE LAST ITEM ON THE AGENDA IS ITEM NUMBER 59, WHICH WAS PULLED BY COUNCILMEMBER GRIFFITH. APPROVE A RESOLUTION ENDORSING THE EMPLOYEES RECOMMENDATIONS MADE BY THE CAPITAL AREA METROPOLITAN PLANNING ORGANIZATION ADVISORY COMMITTEE. IN REGARD TO LOOP 1 U.S. 183 PROJECT. COUNCILMEMBER GRIFFITH?

GRIFFITH: THANK YOU. I WOULD MOVE APPROVAL WITH ONE ADDITION, AND THAT IS TO ADD A WHEREAS. WHEREAS THE CITY OF AUSTIN'S TRANSPORTATION PLAN, AMATP, DOES NOT INCLUDE CONSTRUCTION OF SH 45 SOUTH FRO 162

[UNREADABLE]

GARCIA: OKAY.□,

GOODMAN: SECON□ YOR GARCIA: DOES THE OPERATIVE PART OF THE RESOLUTION NEED TO BE CHANGED OR IS IT APPROPRIATE?

GRIFFITH: IT IS FINE, BUT YOU JUST ADD ONE LITTLE WHEREAS.

MAYOR GARCIA: ONE INTRODUCTORY PARAGRAPH. HAS ANYBODY SECKED THAT MOTION? MAYOR PRO TEM SECONDED THE MOTION. COUNCILMEMBER SLUSHER?

SLUSHER: I'M JUST CONCERNED ABOUT WHAT YOU SAID, MAYOR, IS THAT WHEREAS IT DOES THIS, BUT THEN IN THE BODY OF IT COULD BE INTERPRETED TO CONFLICT WITH THE CITY'S POSITION ON THAT. I WOULD THINK THAT WE SHOULD CLARIFY THAT. LIKE BE IT FURTHER RESOLVED THAT THE CITY -- THAT THIS RESOLUTION DOES NOT CHANGE THE CITY'S STANCE ON STATE HIGHWAY 45 FROM 1626 TO IH-35.

GRIFFITH: THE WAY I READ IT, IT IS CONSISTENT NOW. I DON'T THINK WE -- WE DIDN'T PUT -- OKAY. WHAT WOULD BE SAFE IS WHY DON'T WE JUST MAKE THAT A FRIENDLY AMENDMENT? SO THERE WOULD BE NO DOUBT ABOUT IT.

MAYOR GARCIA: SO IN SAYING WHAT COUNCILMEMBER SLUSHER SAID? CAN YOU READ THAT INTO THE RECORD AGAIN, COUNCILMEMBER?

SLUSHER: YES. BE IT FURTHER RESOLVED THAT THIS RESOLUTION DOES NOT ALTER THE CITY OF AUSTIN'S DELETION OF STATE HIGHWAY 45 FROM 1626 TO IH-35 FROM THE CITY'S ROADWAY PLAN.

MAYOR GARCIA: OKAY. SO IS IT A FRIENDLY AMENDMENT, MAYOR PRO TEM? OKAY.

GRIFFITH: BELT AND SUSPENDERS.

MAYOR GARCIA: FURTHER DISCUSSION? IF NOT, ALL THOSE IN FAVOR, SIGNIFY BY SAYING AYE. OPPOSED NO. MOTION CARRIES. AND THAT'S THE LAST ITEM THAT WE HAVE ON THIS AGENDA.

AND I'LL ENTERTAIN A MOTION TO ADJOURN.

GRIFFITH: SO MOVE.

MAYOR GARCIA: MOTION BY COUNCILMEMBER
GRIFFITH, SECONDED BY EVERYBODY ELSE.
EVERYBODY SIGNIFY BY SAYING AYE.

AYE!

MAYOR GARCIA: WE'RE ADJOURNED!
[APPLAUSE].

End of Council Session Closed Caption Log